

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JANUARY 18, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
James Ormiston  
Lee Younge  
Carl Masler  
Bill Stewart  
Scott Esty

Guests: James Gensel, Ken Clark, Art Ambrose, Mark Watts

Staff: Chuck Coons, Leonard Kaner

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of December 28, 2004. There being none, Ormiston made a motion to accept and approve the minutes of December 28, 2004, seconded by Piersimoni. Esty absent, Ormiston, Piersimoni, Masler, Fleisher, Stewart, Younge in favor, motion carried.

Esty arrived 7:05 p.m.

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

The Board reviewed the proposed resolution and discussed delaying the Public Hearing until the drainage analysis has been received from the Leberge Group, Consultant for the Town.

Chuck Coons, Director of Building Inspection and Code Enforcement, commented that the **Traffic Study** distributed by Fagan Engineers at the meeting does not reflect the traffic intersections required to be reviewed in Resolution P88-2004. He concluded that out of the four intersections required only one (Suburban Drive and County Route 64) was reviewed in the Traffic Study.

James Gensel of Fagan Engineer is representing the *applicant* explained that three of the intersections required were internal intersections and that there would be no changes in the level of service at these intersections. The Traffic Study estimated that a 25-lot subdivision would generate 31 trips per hour based on Institute of Transportation Engineer Standards and that conditions on County Route 64 proved no delays in the existing traffic.

Coons stated that the fact that the additional intersections do not be adversely affect traffic and the Board could waive the requirement to study the additional intersections.

Art Ambrose, owner and developer, asked to address the Board with the following description of the proposed development:

- The anticipated plan is to sell four to five houses per year over a five-year period,
- Each House would be no less than 3,000 square feet, with at least a 60 foot setback from the road,
- Each individual building site would be based on the evaluation of the drainage and natural terrain.

Younge asked Mr. Ambrose about the proposed **landscaping**. He replied that the restrictive covenant do not address landscaping. However, the lots presently are densely covered with trees and removal would be at the buyer's discretion. However, the covenants do restrict setbacks and buffers between lots. Younge asked if the Board could receive a copy of the restrictive covenants. Mr. Ambrose agreed to submit them.

Mark Watts, owner of **adjoining property** that borders behind the proposed development, expressed his concerns for access for future timbering or a fire on the property. Fleisher asked Mr. Watts how the property is accessed at this time. Mr. Watts stated that there is an easement owned by Chemung County that this development would eliminate. Gensel commented that the access road to the pump station would provide an easement to the back property. Mr. Ambrose commented that Chemung County presently owns and maintains the road up to the pump station. He intends to improve the road to the Town of Big Flats' road standards for dedication. Referring to site plan drawing #2, Gensel explained that to connect a new road to Mr. Watts' property would create a road with a greater than 10% sloped and therefore in violation of the Town Municipal Code.

Piersimoni commented that she is concerned with the **drainage**. Gensel explained that the proposed development contains a large watershed that allows the water to flow out of that area faster based on the regulations for a 100-year storm. The development has no new detention facilities planned.

Younge asked if the discharge effluent would be going into the creek. Gensel replied that the discharge effluent would be collected in storm water quality basins before entering the creek. These storm water quality basins are located at the bottom of all the proposed new roads.

Stewart asked if check dams would be used. Gensel replied that he would be discussing check dams and storm sewage with Larry Wagner, Big Flats Commissioner of Public Works. Stewart asked if test boring would be done. Gensel replied no; however, a considerable amount of test pits have been completed and data would be provided. The Laberge Group is reviewing the drainage for the Town. The Drainage Report covers rainfall. Any springs encountered during the development stages would be considered in the designed. Each lot is to be designed individually with swales. The existing detention pond and the two dry wells will be redesigned to optimize use.

Masler asked what is proposed for lots 20 and 21, where the 10-15% slope directs the water to those lots. Gensel replied that these lots would have individual drainage swales. Masler asked what is the type of liner is in the existing detention pond. Gensel replied that the liner is clay and the detention pond would be reviewed again in the spring. Masler commented that it appears that the elevation at the bottom of that pond is considerably higher than the neighboring lots and would there be percolation. Gensel commented that there is no percolation. Masler asked if that would mean that all the water is to be out-

flowed and subsequently discharged to the drywells on Brookside Circle and can the drywell handle this. Gensel replied that could not handle the discharge from the retention pond and that the outlet has to be changed so that the water is more retained into that basin.

Ormiston asked that Gensel review the submitted Environmental Assessment Form and correct "Site Plan Description Category A, item 2" as the acreage does not match "presently vs. after completion".

Mark Watts stated that Resolution P88-2004 did not include that there are creeks that run through the property. Fleisher replied that the drainage analysis review by the Laberge Group would include the protected creek.

Coons asked Gensel which agency would review the existing protected wildlife. Gensel replied that he would discuss the wildlife with David Woodruff of the New York State Department of Environmental Conservation and report his comments back to the Board.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P1-2005**  
**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**  
**SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project #2004.063, dated October 21, 2004, revised January 3, 2005;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* is proposing to re-subdivide the existing 10 *parcels* and create 25 *parcels* with associated infrastructure;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*

- *Steep slopes*,
- *Large trees* and wooded areas,
- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk* and *Density* Control Schedule of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

AND WHEREAS the applicant has met with the Consultant for the Town from the Laberge Group regarding the drainage of the site and the consultant is reviewing the proposed drainage analysis;

AND WHEREAS pursuant to Resolution P88-2004, dated November 16, 2004, the applicant has submitted the following:

- Topographical Map
- Drainage study and Storm Water Pollution Prevention Plan (SWPPP),
- A traffic study of the impacts resulting from the addition of 15 single-family *dwelling*s. The following intersection was reviewed by Fagan Engineers and distributed January 18, 2005:
- Suburban Drive and County Route 64
- Full Environmental Assessment Form (EAF);

AND WHEREAS pursuant to Chapter 16.12.070 the final plat shall be required to provide parkland, or in lieu of such the Planning Board may require a payment to the Town,

AND WHEREAS this Board has received an estimate for a consultant review of the drainage analysis from the Laberge Group for \$4,300, pursuant to a letter dated January 6, 2005;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plat;

AND FURTHER RESOLVED that this Board refers this application to the Parks Commission for its consideration of the required parkland or payment in lieu thereof;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Big Flats Department of Public Works, Chemung County Health Department, New York Department of Environmental Conservation and the Chemung County Planning Board;

AND FURTHER RESOLVED that the Traffic Study submitted by the applicant did not include all of the intersections as required by Resolution P88-2004. However, this Board finds that the intersections not studied will not be adversely affected and therefore waives the requirement to study the additional intersections.

AND FURTHER RESOLVED that the applicant shall submit to the Planning Board a revised site plan showing the following:

- Identify the tax parcel numbers on all submitted documents,
- Correctly identify the adjacent property owners,
- Percolation data for each parcel,
- Soil characteristics within the *development*;

AND FURTHER RESOLVED that the Planning Board shall receive prior to a final determination:

- Written comments from the Laberge Group for their review of the drainage analysis report submitted by Fagan Engineers,
- Written comments from the Big Flats Department of Public Works Commissioner, Larry Wagner, regarding drainage and road construction;

AND FURTHER RESOLVED that a quote has been received from Laberge Group Inc. for the required study in the amount of \$4,300.00, and this Board recommends the *Town Board* enter into agreement with said *consultant* for the purposes of the review;

AND FURTHER RESOLVED that pursuant to Chapter 2.12 of the Town Municipal Code the *applicant shall* deposit with the Town of Big Flats the amount of \$4,300.00 to pay for the cost of the *consultant* for the *Town*;

AND FURTHER RESOLVED AND FURTHER RESOLVED that this application is tabled pending receipt of the required documents

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**SNEDECOR AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #67.03-1-30**

Fleisher described and reviewed the proposed resolution and explained that the request for an area variance to construct a five-car garage is for a four family residence. He asked the Board for its questions or comments concerning the application.

Ormiston commented that he felt that the application lacked setbacks and access to the street information. Coons replied that this application is a request for an area variance for the size of the building and that the building would be required to meet the setbacks before a Building Permit could be issued. Ormiston recommended that the proposed resolution reflect comments to the Zoning Board of Appeals, that the setbacks comply with the Town Municipal Code and building square footage be reviewed in relationship to the lot size.

Younge asked if the Planning Board or the Zoning Board of Appeals decides if a building is appropriate for the site. Coons commented that the Town Municipal Code does not require an architectural design standard. Younge recommended that the Town consider developing aesthetic standards to the Town Municipal Code. Fleisher commented that aesthetic standards could not be enforced because building code standards are dictated by the State of New York.

There being no further questions or comments, Fleisher asked for a resolution

**RESOLUTION P2-2005  
SNEDECOR AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #67.03-1-30**

Resolution by: Ormiston

Seconded by: Stewart

Whereas this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an Area Variance from W. Douglas Snedecor for a *property* located at 200 Carpenter Road in the Residential (R1) *district*;

AND WHEREAS the *applicant* is requesting a variance to construct a 1,000 square foot five-car garage;

AND WHEREAS Chapter 17.04.020 of the Town Municipal Code permits the construction of an accessory structure in the R1 for a maximum of 750 square feet, and therefore an area variance is required;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No, the applicant could build two separate buildings to meet code requirements, but would not be financially feasible.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
Yes, 33% increase in allowable accessory structure size.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

In summary, this Board believes that the granting of the requested area variance will be substantially consistent with the planning objectives of the Town Comprehensive Plan based on comments on the criteria for review as stated above.

AND FURTHER RESOLVED that this Board recommends favorable approval of the variance by the ZBA with the following condition:

- Lot coverage and all applicable setbacks be maintained on the property

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

### **SUBWAY/DUNKIN' DONUTS**

#### ***SITE PLAN AMENDMENT***

#### **TAX PARCEL #57.04-1-2**

Fleisher asked Coons to explain the proposed site plan amendment. Coons explained that the original site plan approved the proposed site for retail use and that the Board must base its findings on any additional impact that the proposed fast-food restaurant *use* would create.

Coons stated that additional parking spaces were included in the original site plan application. However, change in use might require additional parking spaces depending on customer use square footage of the building. Coons will get back to the Board with the exact number of parking spaces would be required for both customers and employees.

Mr. Clark, owner of K.J. Clark & Associates LTD. (Subway Franchise), addressed the Board with the following comments:

- The total leased area will be appropriately 1600 square feet
- Customer use square footage will be 600 to 700 square feet
- He estimates a maximum of 120 customers between the hours of 11 a.m. to 1 p.m.
- He estimates 30 customers per hour between 5 p.m. to 8 p.m.
- He estimates that the present site serves appropriately 80 customers during 11 a.m. to 1 p.m.,

- There would be no drive through
- Business hours would be from 10 a.m. to midnight.
- Total estimated employees would be 6 to 8, 2 to 3 employees would cover from 11 a.m. to 1 p.m.
- Deliveries at 6 a.m. and 6 p.m.

Fleisher asked what the percentage of the 120 customers would actually sit in the fast food restaurant. Mr. Clark replied that he estimate 50% of the customers would dine in.

Younge commented that the applicant for the Dunkin Donuts stated that the other two spaces would not be food uses.

Ormiston expressed his concerns that:

- commercial trucks would create a significant traffic impact,
- Additional space would be required for waste. Mr. Clark replied that Subway would require 3 cubic yards for cardboard and 3 cubic yards for garbage.
- The owner of the building's signature was not on the application,
- Make an accident report available for the Board for review of this access area.

Masler concurred that the applicant and property owner should be on the application.

Esty asked if the change in use is approved, could the change in use continue if the business is sold and he recommended that a condition be placed on the final resolution.

The application was tabled pending receipt of additional information.

**RESOLUTION P3-2005  
SUBWAY/DUNKIN' DONUTS  
SITE PLAN AMENDMENT  
TAX PARCEL #57.04-1-2**

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS this Planning Board has received an *application* for a *site plan* amendment from K.J. Clark & Associates, *owner* of a Subway Franchise. to be relocated into the building being constructed on tax parcel #57.04-1-2;

AND WHEREAS the building currently has site plan approval for a Dunkin Donuts Fast food Restaurant use and additional square footage for retail use;

AND WHEREAS the *property* is 0.86 acres located at 3317 Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS pursuant to resolution P87-2004, dated October 5, 2004, the Planning Board granted final approval to the construction project and as a condition stated that any change in the proposed use of the additional space other than retail use, shall be reviewed under site plan amendment to determine the impact associated with such use;

AND WHEREAS the site has 34 *parking* spaces including two handicap *parking* spaces, complying with Chapter 17.48;

THEREFORE BE IT RESOLVED to accept the documentation in this *application* as a Site Plan Amendment;

AND FURTHER RESOLVED that this Board shall make findings as to the potential impacts of this business use in relation to the impacts that were reviewed during the initial site plan review;

AND FURTHER RESOLVED for environmental review purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR part 617.6, and this Board intends to act as Lead Agency for this action and will complete a uncoordinated review in accordance with 6NYCRR, part 617 with informational notice sent to the following agencies:

- Chemung County Department of Public Works
- Chemung County Planning Board
- Chemung County Health Department

AND FURTHER RESOLVED to refer this *site plan application* to the Chemung County Department of Public Works for review and comment of the proposed ingress/egress onto County Route 35 (Chambers Road);

AND FURTHER RESOLVED that this Board finds this application to be incomplete and the applicant shall submit the following:

- Square footage of the proposed business use,
- Square footage of the customer use area to determined required parking spaces pursuant to Chapter 17.48.010(B)11,
- Average number of daily transactions during the hours of 11 a.m. to 1 p.m. for the recent calendar month,
- Letter from the owner of the lot/structure application that reflects “co-applicants”.

AND FURTHER RESOLVED that this application is tabled pending receipt of required documentation;

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**RESOLUTION P4-2005  
PLANNING BOARD VICE-CHAIRPERSON  
FOR YEAR 2005**

Resolution by: Younge  
Seconded By: Ormiston

WHEREAS Planning Board member Angela Piersimoni has agreed to serve as the Planning Board Vice-Chair for the Year 2005.

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

BE IT THEREFORE RESOLVED that this Board appoints Angela Piersimoni as Vice-Chair for the Planning Board for the Year 2005.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler  
NAYS: None  
ABSTAIN: Piersimoni  
ABSENT: None



**EXECUTIVE COMMITTEE MEMBERSHIP**

Pursuant to Rule 2A of the Planning Board Rules, Fleisher reappoints Lee Hanle-Younge as the third member of the Executive Committee for 2005. He noted that any Board member as well as the public was welcome to attend any meeting of the Executive Committee.

**COMMENTS:**

- Fleisher commented that due to a scheduled conflict with the present planned Executive Committee Meeting, Younge and Piersimoni agreed to meet on Wednesday, February 2, 2005 at the regular time and place.
- Stewart commented that he questioned if the County should be involved in controlling the Simmons-Rockwell site considering they have ignored the Planning Board decision to approve the lot for a building and not for a car sales lot. He further stated that this car lot disturbs over an acre of land in direct violation of the Town Municipal Code. Stewart commented as a Board member he feels manipulated and does not appreciate the dishonesty.
- Masler commented that Simmons-Rockwell is using the new site plan for the service center as a sale lot.
- Fleisher replied that the County does not enforce the site, the Enforcement action lies with the Town. Ormiston asked if Code Enforcement gave Simmons-Rockwell a specific date to move the cars. Coons stated that he would send a letter to Simmons-Rockwell requesting that the cars be moved. Esty asked how the applicant was allowed to pave the parking lot considering it was not shown for approval on the site plan application. Fleisher stated that the paving is a violation of the site plan approval.
- Fleisher commented that Raymour-Flanigan still have an unapproved dumpsters and unauthorized signs that are still on site for a month.
- Ormiston commented that he would like to see future resolutions for commercial developers reflect that the Certificate of Occupancy be dependant on prior building inspection approval.

Meeting adjourned at 8:45 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 2/10/2005 12:13 PM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF FEBRUARY 8, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Lee Younge  
Carl Masler  
Bill Stewart  
Scott Esty  
Absent - James Ormiston

Guests: Anthony Pagano, Dave Shoen, Art Ambrose, Jerry Welliver, Dick Woodhouse,  
Thomas Clark, Roy Farr, Jeff Murray, Jack ??, Jeff Smith, Mike Godoa, Mark Sargent,  
Rob Spiak, Christopher Schneck

Staff: Dean Frisbie, Leonard Kaner, and Mary Ann Balland

**AGENDA**

The Board agreed to the Agenda with the correction to the spelling of Schweizer.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of January 18, 2005. Piersimoni asked that there be a correction made to clarify that five houses are to be built in Soaring Ridge Estates per year over a "five-year" period. Piersimoni made a motion to accept and approve the minutes of January 18, 2005 as corrected, seconded by Masler. Ormiston was absent, Fleisher, Piersimoni, Younge, Masler, Esty and Stewart were in favor, motion carried.

**DOW SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #57.03-2-9.11**

Fleisher reviewed the proposed preliminary and final resolution. There being no questions or comments, the Board proceeded with the Public Hearing.

**PUBLIC HEARING**

**6:33 P.M. DOW SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #57.03-2-9.11**

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Corning Leader and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 6:36 P.M. and reconvened the business portion of the regular meeting.

**RESOLUTION P5-2005**  
**DOW SUBDIVISION**  
**PRELIMINARY AND FINAL PLAT**  
**TAX PARCEL #57.03-2-9.11**

Resolution by: Esty

Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from John and Daphne Dow, *owners* of tax *parcel* #57.03-2-9.11, for the *subdivision* approval of this 68.5-acres *parcel* to create the following two *parcels*:

- *Parcel A* being approximately 67.1- acres containing vacant land located on north side of Sing Sing Road,
- *Parcel B* being approximately 1.4-acres containing a commercial *building* located on the south side of Sing Sing Road;

AND WHEREAS the proposed *subdivision* is located at 236 Sing Sing Road adjacent to the Elmira-Corning Regional Airport in the Airport Business *Development District* (ABD);

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* in the ABD *district* is three acres, and *parcel B* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the Zoning Board of Appeals (ZBA), at its December 16, 2004 meeting, approved the area variance request for *parcel B* to create a non-conforming *parcel*;

AND WHEREAS the County Planning Board at its January 13, 2005 meeting returned the *application* for local determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**SCHWEIZER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #67.02-1-10.11**

Fleisher reviewed the proposed resolution and completed a Short Environmental Assessment Form. He asked the Board for questions or comments, there being none, he asked for a resolution that would set the Public Hearing.

**RESOLUTION P6-2005  
SCHWEIZER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #67.02-1-10.11**

Resolution by: Younge  
Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Paul A. Schweizer Estate, *owner* of tax *parcel* #67.02-1-10.11, for the *subdivision* approval of this 7.204-acres *parcel* to create the following two *parcels*:

- *Parcel* D-1A being 5.347-acres containing a single *family dwelling*, one-story shed, and pond,
- *Parcel* D-1B being 1.857-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at 619 County Route 64 in the Residential 1 (R1) *district*;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* in the R1 *District* is 35,000 square feet (0.8-acres);

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board to accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department, Chemung County Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of *County* Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for March 22, 2005 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni  
NAYS: none  
ABSTAIN: none  
ABSENT: Ormiston

**GUJER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #46.00-2-70**

Fleisher described and reviewed the proposed resolution and completed a Short Environmental Assessment Form. He asked the Board for questions or comments, there being none, he asked for a resolution that would set a public hearing.

**RESOLUTION P7-2005  
GUJER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #46.00-2-70**

Resolution by: Esty  
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Mark W. and Tracie A. Gujer, owner of tax *parcel* #46.00-2-70, for the *subdivision* approval of this 142.13-acres *parcel* to create the following two *parcels*:

- *Parcel A* being approximately 15.588-acres containing a single *family dwelling*, barn, and pond,
- *Parcel B* being approximately 125.542-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at 356 Eachers Hollow Road in the Rural (RU) *district*;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* in the RU *district* is 3-acres;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board to accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department, Chemung County Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for March 22, 2005 at 6:40 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart, Young  
 NAYS: none  
 ABSTAIN: none  
 ABSENT: Ormiston

### COUNTY ROUTE 64 *RETAIL DEVELOPMENT WORKSHOP*

Dick Woodhouse, an Elmira Attorney introduced himself on behalf of Commercial Net Leased Realty Services, Inc., Christopher Schneck, Director of *Development* and Robert Spiak of Bohler Engineering, Inc.

Robert Spiak presented the following:

- Commercial Net Leased Realty Services, Inc. is proposing to develop a 165,000 +/- square foot *retail development* located along County Route 64, just east of Chambers Road between Consumer Square and the Dalrymple asphalt plant.
- The property is presently an *undeveloped* flat area with little vegetation.
- There is an existing *drive* to the asphalt plant off from County Route 64 through the site.
- The proposed *retail* space would be divided as required by not yet identified *tenants*.
- A 5,000 square foot *restaurant* is proposed as an out *parcel*.
- Proposed **Access**:
  - Utilize the Lowes signalized intersection and existing *drive* into Consumer Square. Signalized intersection access is most desirable for *retail development* per *tenant* demands. Access to the existing signal is contingent on successful arrangements with the adjacent landowner. Discussions have begun; however, they have not been successful to date.
  - The center of the *development* to access would be right in right out from County Route 64.
  - The east end curb cut would provide full access to County Route 64.

Young asked about deliveries. Mr. Spiak replied that the delivery *vehicles* would come from the interstate, turn onto the site at the signal, proceed to the back of the *building* and exit out the eastern most *drive*.

Fleisher asked Mr. Spiak the reasons for the negotiations with the adjoining property *owner* in reference to the signal. Mr. Spiak stated that in order to use the signal, the access *drive* to the new *development* must cross the property line to access the existing *drive* from County Route 64. The *developers* of Consumer Square own the existing *drive*.

### **Zoning and Development Requirements:**

- The property *development* as proposed meets all of the zoning requirements, except for two:
  - The proposed impervious *lot coverage* is 82% as opposed to the 70% permitted by the Town Municipal Code.
  - Interior *parking* green space is 6.9% vs. 8% required minimum. The landscaped islands are at the opposite ends of *parking areas* to enhance the streetscape. Small interior islands generally are unsuccessful for plant growth and are hit by plows.
- Standard shopping center layout with *buildings* placed at the rear of the site, *parking* fields in front, and driving lanes.
- The 25-foot front *setback* along the county *right-of-way* will be green space.
- A *site plan* and *subdivision* plan will be submitted for this *development*.
  - A strip of land is proposed to be subdivided from the Dalrymple *parcel* and added to the proposed *development*
  - It is anticipated that another *subdivision* would occur after *development*, as the big box *tenants* prefer to own their own land.

Fleisher asked what would be the square footage of each proposed business. Mr. Spiak stated that 125,000 square feet *building* is proposed for a “big box” *tenant*, 40,000 square feet for additional *retail* space, plus 5,000 square feet out *parcel* in the front for a *restaurant*. At this time, there are no specific *tenants*. His client is looking at national *retail* businesses.

Esty asked how the *subdivision* of the *development* would affect *lot coverage*. Mr. Spiak replied that if the big box were subdivided, the same two variances would exist for exceeding the maximum allowed impervious *coverage* and interior green space. In addition, a variance would be required due to *building* set back issues.

Younge expressed that she would like to see more green space, possibly increasing the size of the islands in the *parking lot*.

**Parking:**

Esty asked about **parking** requirements. Mr. Spiak replied that the *developer* is proposing five *parking* spaces per 1,000 square feet of *retail* space. The Town requires 3.5 *parking* spaces minimum per 1,000 square feet of *retail* space.

Piersimoni asked that when the big box is subdivided, would there be sufficient *parking* for the smaller *retail* space. Mr. Spiak replied yes, the one *parking* field is 246, another 594 *parking* spaces for the big box *tenants*, which would end up in the 4.8 – 5 per 1,000 square feet range. Piersimoni suggested that if the *developer* proposes impervious surface *lot coverage* over what is allowed, perhaps they should reconsider the number of *parking* spaces to avoid a variance. Fleisher commented that the proposed *development* lacks 1% of green space. Mr. Spiak replied yes. The impervious surface is 12% over allowable *lot coverage*.

Younge asked about the **Town water well** adjacent to this *development*. Coons commented that the well is currently in *use*. Mr. Spiak commented that the existing grading and drainage is sloped to the rear away from the Town well. The proposed storm water management plan would continue to *use* that pattern as the low point of the property flows into the channel and flows east, eventually ending up down by the railroad bed. This project would have to meet Phase II regulations of the New York State Department of Environmental Conservation. Possibly using a combination of underground sand filters, no open water basins.

Esty commented that the land is low lying, does the *developer* propose to raise the property. Mr. Spiak replied that the *developer* proposes to fill the property 2-3 feet, which is driven by the storm water management practices that need to be incorporated into the design.

**Traffic:**

Masler asked Mr. Spiak that assuming the *developer* is successful in their negotiation with the adjacent property *owner* to access the signal, is anything proposed to mitigate the traffic flow within the *lot*. Mr. Spiak replied there *may* be things the *developer* has to do pending the completion of the traffic report.

Masler asked if the negotiations are not successful with the adjacent property *owner*, what is proposed concerning a traffic signal. Mr. Spiak replied that a couple of different options are being studied; one option could be an extra leg in the center section to develop an access that is entirely on this *parcel* but still has access to the traffic signal. This would create a five-point intersection. The *developer* met with the Chemung County representatives and discussed access options.

Coons commented that *vehicle* stacking at the existing traffic signal is poor; the proposed *development* would create significant problems with stacking. Mr. Spiak replied that the *developer's* traffic consultant would be reviewing this issue.

Esty commented about the steep incline. Has the *developer* considered moving the access to the interchange further back on the property? Mr. Spiak replied that there are a couple of restrictions, mostly the existing retention pond.

Piersimoni asked if there are any preliminary figures on traffic counts. Mr. Spiak replied that the traffic counts have been completed, but have not been analyzed. Stewart expressed his concern as to County Route 64 being able **to handle the traffic.**

In reference to the Board's questions, Mr. Spiak offered the following:

- The *development* is 200 ft. from the railroad bed.
- The canal still exists. The *developer* does not intend to modify the channel.
- The *developer* maintained the 25-foot front set back requirement, and developed the project from that point.
- Therefore, there is green space *may* be needed at the rear of the *parcel* for storm water management.
- The existing water table is about 5-6 feet down.
- The *development* has access to Chemung County sewer, public water, gas and electric utilities.
- No specific hours for the *retail* and *restaurant* have been identified, but typical hours for national based *tenants* are expected.

Being no further questions or comments; Fleisher thanked Mr. Spiak for the presentation.

#### COMMENTS:

- Fleisher reminded the Board of the New York Department of State Training for Local Officials on Thursday, February 10, 2005. SEQRA discussion from 4:30 – 5:30 p.m. in the Town Hall. 7:00 – 9:00 p.m. at the Community Center a training seminar for officials from several counties.
- Piersimoni informed the Board that she will be absent from the March 22, 2005 Planning Board meeting.
- Stewart stated that he also could possibly be absent from the March 22, 2005 Planning Board meeting, but would inform the Planning Board secretary at a later time with his exact schedule.
- Piersimoni commented that if Ormiston has not returned from his vacation, it could possibly leave a quorum of four, if the alternate Planning Board member is not in attendance.
- Masler updated the board that the monopole for Verizon has been erected on County Route 64.
- Fleisher updated the board that the dumpster is gone from the Raymour and Flanigan site and the GMC banners have been removed from the Simmons-Rockwell dealership.
- Younge commented that Raymour and Flanigan have additional *signs* not approved by the Board.
- Coons informed the board that Kent Brown would be on the March 1, 2005 Planning Board Agenda. The proposed *sign* is still in violation of the code and would require a variance.
- Coons read his letter to the board that informed Simmons-Rockwell of their violation of using the approved *building lot* as a car sales *lot*.
- Coons presented that the Laberge Group is being considered an engineer consultant for the *Town*. Their expertise would be available to the Planning Board by reviewing applications that have been determined to require specialized review. The following was discussed:
  - Could including a consulting engineer slow down the process? Coons suggested once a month Planning Board meetings instead of every three weeks. However Younge commented that one of the reasons the Board is scheduled for every three-weeks is to avoid a lengthy agenda that would create longer meetings.
  - It was discussed as to what types of applications would be sent for review and who would be responsible for making the decision as to which projects to send. Coons replied that there would be a set of criteria as to what would be sent.
  - Esty asked how the expense is to be handled. Coons replied that the consultant would pre-review the application and send the Town a fee breakdown that would be incorporated into our resolution for the *applicant* to pay. Coons commented that a couple of consultants could be used.



- Piersimoni commented that the Planning Board should not be worried about the *applicant's* nor the engineering consultant's deadline, but be focused on what is best for the Town.
- Younge agreed that the Board should not be inconvenienced in order to place less stress on the *applicant* or engineer consultant.
- Fleisher asked who would be making up the criteria that will determine which projects go to an engineering consultant. Coons commented that it would be collaboration with several people including the Town Board.
- Younge asked that Fleisher represent the Planning Board in any criteria determination.

Meeting adjourned at 7:35 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 3/15/2005 9:06 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MARCH 1, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Lee Younge  
Carl Masler  
Bill Stewart  
Scott Esty  
Absent: James Ormiston

Guests: Mark Watts, Kent Brown, James Gensel

Staff: Chuck Coons, Donald Gaylord

**AGENDA**

The Board agreed to modify the Agenda as presented by repositioning item #2 as agenda item #6 because of an expected lengthy discussion and item #3 as item #5 as the *applicant* is expected at a later time.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of February 8, 2005. There being none, Younge made a motion to accept and approve the minutes of February 8, 2005, seconded by Masler. Ormiston absent, Fleisher, Piersimoni, Stewart, Esty in favor, motion carried.

Mark Watts, resident of 2866 NYS Route 352, commented that he would forward written comments to the Planning Board secretary in reference to the January 18, 2005 Planning Board Minutes.

**WAHL SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.01-1-13.1**

The Board reviewed the proposed resolution that would set a public hearing for this *subdivision application*. The Short Environmental Assessment Form was completed and a Negative Declaration issued.

Fleisher asked if the Board had any further questions or comments concerning the *application*. Esty inquired about the *owner* of the *fence* shown on the plat. Coons replied that the neighbor owns the *fence*. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P8-2005  
WAHL SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.01-1-13.1**

Resolution by: Stewart  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Fred Wahl and Theodore Wahl, owners of tax *parcel* #66.01-1-13.1, as shown on a *survey* map by Dennis J. Wieland, L.S., dated October 1, 2004, for the *subdivision* approval of this 7.802-acres *parcel* to create the following three *building lots*:

- *Parcel* 1 being a 2.501-acres containing a single *family dwelling*,
- *Parcel* 2 being 2.501-acres containing vacant land,
- *Parcel* 3 being 2.8-acres containing vacant land.

AND WHEREAS the proposed *subdivision* is located on Davenport Road in the Residential 1 (R1) *District*,

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 0.8 acres for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for March 22, 2005 at 6:50 P.M. or soon thereafter as practical.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**HOUCK AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #48.03-2-15.1**

Fleisher described and reviewed the proposed resolution that would refer this area variance *application* for an addition to a garage to the Zoning Board of Appeals. However, the existing garage needs to be submitted to the Board for an area variance.

Fleisher asked the Board for questions or comments. Esty asked Coons how the garage happened to be built without approval. Coons replied that it was an apparent oversight of the previous administration and that the *applicant* would be notified to apply for a variance for the existing garage.

The Board having no further questions or comments, Fleisher asked the Board for a resolution.

**RESOLUTION P9-2005  
HOUCK AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #48.03-2-15.1**

Resolution by: Younge  
Seconded by: Esty

Whereas this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an Area Variance from James and Joyce Houck for a *property* located on tax *parcel* #48.03-2-15.1;

AND WHEREAS the *property* is located at 136 Rocking Chair Road in Retirement Estates in the Senior Housing Planning Multiple Residential (SHPMR) *district*;

AND WHEREAS the *applicant* is requesting a variance to construct a 128 square foot addition to the existing garage;

AND WHEREAS the existing garage is currently built in the required 15 foot *side yard setback* in violation of Chapter 17.20.080(5b);

AND WHEREAS the Planning Board pursuant to *Town Municipal Code* Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this Board finds that due to the fact that the existing garage is built in violation of the *Town Municipal Code*, the construction of an addition to the garage would further the violation;

AND FURTHER RESOLVED that this Board recommends that the request be denied, and that the *applicant shall* submit a revised *application* requesting a variance for the existing garage to comply with the *Town Municipal Code*.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**CERNOHORSKY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #96.00-1-18.1**

The Board reviewed the proposed resolution that would set a public hearing for the *subdivision application*. The Short Environmental Assessment Form was completed and a Negative Declaration issued.

Fleisher asked the Board for questions or comments. There being none, Fleisher asked for a resolution.

**RESOLUTION P10-2005  
CERNOHORSKY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #96.00-1-18.1**

Resolution by: Piersimoni

WHEREAS the Planning Board has received an *application* from G. Ronald and Donna L. Cernohorsky, *owners* of tax *parcel* #96.00-1-18.1, as shown on a *survey* map by Dennis J. Wieland, L.S., dated January 11, 2005, for the *subdivision* approval of this 59.1-acre *parcel* to create the following two *lots*:

- *Lot A* being 3.5-acres containing vacant land, and
- *Lot B* being 55.6-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Mt. Saviour Road, north of Hendy Creek Road in the Rural (RU) *District*;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the area required for a subdivided *parcel* is three acres;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of the Town of Southport line;

AND FURTHER RESOLVED that a notice of this *application* be sent to the *Town* of Southport;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for April 12, 2005 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**KENT BROWN SIGN VARIANCE  
ZONING REFERRAL  
TAX PARCEL #58.03-1-56**

Kent Brown, *owner* of K.H. Brown Realty Corp., addressed the Board to explain his *sign* variance request.

- That because of a new line of cars offered at the Kent Brown dealership, he selected the smallest *sign* offered by the manufacturer. The new *sign* is 8-foot wide by 28'9" feet high for a total of 109 square feet, which is 9 square feet over the maximum *Town Municipal Code* allowance.
- That to purchase a *sign* within code would require a corporate approved *sign* built specially at double the cost.
- The previously approved existing *sign* is 35 feet high and 2 square feet over the maximum code allowance.

Esty asked Mr. Brown how the Toyota dealership complies with communities with a more restrictive code. Mr. Brown replied that in some areas the dealers choose *signs* that would not be visible from our state highway. That before he would accept a *sign* that cannot be seen from the highway he would keep the existing *sign*, even though it does not display the new line of cars.

Esty asked Mr. Brown what part of the *sign* would be illuminated. Mr. Brown was not sure but thought that it would be very similar to the *sign* that presently exists with just the top lettering illuminated.

The Board questioned the following:

- Is 10% variance over the maximum acceptable and not considered substantial?
- When determining variance allowance, should the 750 square feet overall allowance per business *property* be considered?
- Would accepting this *sign* be setting a precedent?

The five criteria set forth in the *Town Municipal Code* determined that this request was marginal for recommendation to the Zoning Board of Appeals. Esty commented that a variance is a two-step process and the Zoning Board of Appeals has the final decision.

Stewart commented that in some areas, businesses (example McDonald's) have been required to forego certain images (yellow arches) to conform to the aesthetics of the community's Comprehensive Plan.

Fleisher questioned if the manufacturer could offer a larger selection of *signs* to dealerships. He commented that originally the *application* was for a 350-foot *sign* that voluntarily was modified by the *applicant* when advised that a variance of this magnitude would not be considered.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P11-2005  
KENT BROWN SIGN VARIANCE  
ZONING REFERRAL  
TAX PARCEL #58.03-1-56**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for a *Sign Area Variance* from K.H. Brown Realty Corp. for a *property* located on tax *parcel* #58.03-1-56 as shown on a drawing from the Pattison *Sign* Group, dated February 2, 2005;

AND WHEREAS the *property* is located at 951 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is requesting a variance to install a 109 square foot *freestanding sign* to replace the existing *freestanding sign*;

AND WHEREAS Chapter 17.52.050(D) of the *Town Municipal Code* permits the maximum *sign area* to be 100 square feet;

AND WHEREAS the Planning Board pursuant to *Town Municipal Code* Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the *Town Municipal Code* Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?  
Yes. The *applicant* could purchase a *sign* that complies with the code; however, the *sign* would be custom made and an additional cost would be incurred.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
This Board has determined that a 10% deviance from any code requirement is substantial. This request is for 9% over the code maximum.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes, because the *sign* is to enhance his business and not mandatory.

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variance would be inconsistent with the planning objectives of the Town Comprehensive Plan and does not recommend approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Piersimoni

NAYS: Stewart, Esty, Fleisher, Masler

ABSTAIN: none

ABSENT: Ormiston

Motion to approve the resolution was defeated. Fleisher asked if the Board would like to modify the proposed resolution for a revote.

**RESOLUTION P12-2005**  
**KENT BROWN SIGN VARIANCE**  
**ZONING REFERRAL**  
**TAX PARCEL #58.03-1-56**

Resolution by: Stewart

Seconded by: Masler

WHEREAS this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for a *Sign Area* Variance from K.H. Brown Realty Corp. for a *property* located on tax *parcel* #58.03-1-56 as shown on a drawing from the Pattison *Sign* Group, dated February 2, 2005;

AND WHEREAS the *property* is located at 951 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is requesting a variance to install a 109 square foot *freestanding sign* to replace the existing *freestanding sign*;

AND WHEREAS Chapter 17.52.050(D) of the *Town Municipal Code* permits the maximum *sign area* to be 100 square feet;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variance would be consistent with the planning objectives of the Town Comprehensive Plan and recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Stewart, Esty, Fleisher, Masler

NAYS: Younge, Piersimoni

ABSTAIN: none

ABSENT: Ormiston

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**

**SUBDIVISION PRELIMINARY PLAT**

**TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

Fleisher reviewed the proposed resolution. This resolution would table the *application* for further review of the latest revision and receipt of report from the *Town Consultant*.

The Board reviewed the letter dated February 28, 2005 from Larry Wagner, Big Flats' Commissioner of Public Works. Younge suggested that the intermittent springs be included as a concern in the proposed resolution. Gensel, Fagan's engineer for the project, replied that the intermittent springs were being addressed. Stewart questioned the drainage plan. Gensel replied that he was working with the Public Works department and that the *Consultant* for the *Town* is in the process of reviewing the drainage plan.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P13-2005**

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**

**SUBDIVISION PRELIMINARY PLAT**

**TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

Resolution by: Esty

Seconded by: Younge



WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project #2004.063, dated October 21, 2004, revised January 3, 2005;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* has submitted revised documents date February 17, 2005 is proposing to re-subdivide the existing 10 *parcels* and create 23 *parcels* with associated infrastructure;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*:

- *Steep slopes*,
- *Large trees* and wooded areas,
- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk* and *Density* Control Schedule of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

AND WHEREAS the *applicant* has met with the *Consultant* for the *Town* (Laberge Group) regarding the drainage of the site and the *consultant* is reviewing the proposed drainage analysis;

AND WHEREAS pursuant to Chapter 16.12.070 the final plat *shall* be required to provide parkland, or in lieu of such the Planning Board *may* require a payment to the *Town*,

AND WHEREAS pursuant to Resolution P1-2005, dated January 18, 2005, the revised drawings show the following:

- Adjacent *property owners* have been correctly identified,
- Percolation test data are shown for each *lot* except *lots* #3 and #4;

AND WHEREAS the revised drawings show the following additional information:

- Base flood elevation of Sing Sing Creek,
- Location of three storm water quality basins.

AND WHEREAS in a letter dated February 28, 2005, Larry Wagner, Big Flats Commissioner of Public Works, identified his concerns with *road* issues, drainage issues, water supply issues, *street* lights, and intermittent springs;

THEREFORE BE IT RESOLVED that this Board accepts the findings of Larry Wagner and determines that the revised preliminary plat is substantially different from the previously submitted preliminary plat and lacking information required for this Board to make determinations on environmental impacts pursuant to SEQRA;

AND FURTHER RESOLVED that this Board finds that the acceptance of the previous documents as a preliminary plat is nullified by the new information contained herein;

AND FURTHER RESOLVED that prior to accepting revised documents as a preliminary plat and setting a public hearing on said plat pursuant to Chapter 16.08.030(C1), the *applicant shall* submit the required revised documents pursuant to the letter from Larry Wagner, Big Flats Commissioner of Public Works;

AND FURTHER RESOLVED that this *application* is tabled pending receipt of the required documents.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**COMMENTS:**

- Coons updated Board that Mr. Patel, *owner* of the approved Dunkin Donut site plan has advised the office that he plans to reduce the originally three-business site to include only two businesses. A Dunkin Donut and an adjacent *retail* space. The Board would need to review the new plan to ensure that impacts such as *parking* and traffic are still in compliance with the *Town Municipal Code*.
- Coons distributed his proposed traffic plan that he discussed with Chemung County Commissioner of Public Works in reference to the potential “Big Box” *application*. His traffic plan would include the following:
  - The possibility of a service *road* to link the traffic into Fisherville Road to relieve traffic on County Route 64,
  - A service *road* between Consumer Square and the new *development* again to relieve traffic from entering and exiting County Route 64,
  - Turning lanes would be encouraged in place of widening the existing County Route to a three or four lane highway,
- Fleisher asked Coons if the *applicant* plans to submit any variances. Coons replied that *lot coverage* and *parking* green space are potential variance requests.
- Gensel reminded the Board that the *property* is still under “DOT Fair Share Program” and that there will be a third loop built to Exit 51 by the Olive Garden *Restaurant* funded through this program.
- The “Big Box” *applicant* plans to submit an *application* for the March 22, 2005 Planning Board meeting.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 3/23/2005 12:18 PM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MARCH 22, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Lee Younge  
Carl Masler  
Scott Esty  
James Ormiston  
Alternate - Lance Muir  
Absent - Angela Piersimoni  
Absent - Bill Stewart

Guests: Dave Shoen, Dave Arnold, Jeff Smith, Jeff Murray, Anthony Pagano, Dave Yearick, Art Ambrose, Julie Stephens, Mark Watts, Jamie Gensel, Lindsay & Karen Mills, John Moore, Jerry Welliver, Thomas Clark, Ted Wahl, Chris Schneck, Mark Sargent, Jim Lavin, Mark Hamilton, Albert Taus, William Goebel

Staff: Chuck Coons, Dean Frisbie, Leonard Kaner, Donald Gaylord

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of March 1, 2005. There being none, Esty made a motion to accept and approve the minutes of March 1, 2005, seconded by Younge. Ormiston and Muir abstained, Piersimoni and Stewart were absent, Fleisher, Younge, Masler, Esty were in favor, motion carried.

**PUBLIC HEARING**

6:33 P.M. **SCHWEIZER SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #67.02-1-10.11**

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Corning Leader and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 6:36 P.M. and reconvened the business portion of the regular meeting.

**SCHWEIZER SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #67.02-1-10.11**

Fleisher reviewed the proposed resolution and proceeded with the Public Hearing regarding the Preliminary Plat as shown on final drawing by Weiler Associates, dated December 17, 2004. There being no comments or questions, Fleisher asked for a resolution.

**RESOLUTION P14 -2005  
SCHWEIZER SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #67.02-1-10.11**

Resolution by: Younge

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Paul A. Schweizer Estate, *owner* of tax *parcel* #67.02-1-10.11, for the *subdivision* approval of this 7.204-acres *parcel* to create the following two *parcels*:

- *Parcel* D-1A being 5.347-acres containing a single *family dwelling*, one-story shed, and pond,
- *Parcel* D-1B being 1.857-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at 619 County Route 64 in the Residential 1 (R1) *district*;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the area required for a subdivided *parcel* in the R1 *District* is 35,000 square feet (0.8-acres);

AND WHEREAS the Chemung County Planning Department, at its March 17, 2005 meeting, commented as follows “No *development* proposal is connected with this other than the fact that it would involve eventually one new *driveway* on *county road*, no particular impact that we can see from the proposed split.”

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Ormiston, Fleisher, Muir, Masler

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

**PUBLIC HEARING****6:40 P.M. GUJER SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #46.00-2-70**

Chair Fleisher called the Public Hearing to order at 6:40 P.M. He noted that the Public Hearing was duly published in the Corning Leader and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 6:43 P.M. and reconvened the business portion of the regular meeting.

**GUJER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #46.00-2-70**

Fleisher reviewed the proposed resolution and proceeded with the Public Hearing regarding the Preliminary Plat as shown on the drawing by Dennis J. Wieland, dated December 17, 2004. There being no comments or questions, Fleisher asked for a resolution.

**RESOLUTION P15-2005  
GUJER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #46.00-2-70**

Resolution by: Esty  
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Mark W. and Tracie A. Gujer, owner of tax *parcel* #46.00-2-70, for the *subdivision* approval of this 142.13-acres *parcel* to create the following two *parcels*:

- *Parcel A* being approximately 15.588-acres containing a single *family dwelling*, barn, and pond,
- *Parcel B* being approximately 125.542-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at 356 Eachers Hollow Road in the Rural (RU) *district*;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* in the RU *district* is 3 acres;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.

CARRIED: AYES: Masler, Muir, Fleisher Ormiston, Younge

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

## **PUBLIC HEARING**

6:45 P.M. **WAHL SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCEL #66.01-1-13.1**

Chair Fleisher called the Public Hearing to order at 6:45 P.M. He noted that the Public Hearing was duly published in the Corning Leader and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:48 P.M. and reconvened the business portion of the regular meeting.

## **WAHL SUBDIVISION PRELIMINARY PLAT TAX PARCEL #66.01-1-13.1**

Fleisher reviewed the proposed resolution and proceeded with the Public Hearing regarding the Preliminary Plat as shown on the final drawing by Dennis J. Wieland, dated October 1, 2004. There being no comments or questions, Fleisher asked for a resolution.

## **RESOLUTION P16-2005 WAHL SUBDIVISION PRELIMINARY PLAT TAX PARCEL #66.01-1-13.1**

Resolution by: Muir

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Fred Wahl and Theodore Wahl, owners of tax *parcel* #66.01-1-13.1, as shown on a *survey* map by Dennis J. Wieland, L.S., dated October 1, 2004, for the *subdivision* approval of this 7.802-acres *parcel* to create the following three *building lots*:

- *Parcel* 1 being a 2.501-acres containing a single *family dwelling*,
- *Parcel* 2 being 2.501-acres containing vacant land,
- *Parcel* 3 being 2.8-acres containing vacant land.

AND WHEREAS the proposed *subdivision* is located on Davenport Road in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk and Density* Control Schedule requires 0.8 acres for a residential *lot* without public water or sewer;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.

CARRIED: AYES: Masler, Muir, Fleisher Ormiston, Young

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

### **H & L REALTY/MILLS SUBDIVISION**

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #68.00-1-13.1**

Fleisher described the proposed resolution and reviewed the *easement* from the Halderman Hollow Road to the Federal Aviation Administration (FAA) property and the *parcel* on which the *applicant* proposes to build a *one-unit dwelling*. The Executive Committee deliberated as to whether the *easement* constitutes a *road* that would afford vehicular access to the five-acre *parcel*.

The Director of Building Inspection and Code Enforcement distributed excerpts<sup>1</sup> from the New York State Zoning Law and Practice Edition:

- §19:33 Open *development* areas. According to a State Comptroller opinion (1956) a *Town* Planning Board can refuse to approve a plat where access to a public *road* is only by an *easement*. A 1958 opinion states that a *Building Permit* can be withheld where access is only by *right-of-way* or *easement*. In such a case, *Town* Law does authorize the *Town Board* to establish “an open *development* area or areas where permits *may* be given for the erection of *buildings* to which access is given by *easement* or *right-of-way*”.
- §19.32 Streets and Highways access: Similarly, denial was not unreasonable where 20-foot access routes were required, and a variance to permit construction had access by only a 16-foot *easement*.

Fleisher asked for the Attorney for the *Town's* interpretation of this document. Coons replied that the attorney has not had time to review the document.

Young asked who owns the *easement* and if the *easement road* is adequate for emergency vehicles to respond to the proposed *one-unit dwelling*. Mr. Mills replied that H&L Realty owns the *easement* and the FAA has *use* of the property and has maintained the *right-of-way* for the past 30 years. However, the *right-of-way* requires additional work.

Esty asked if the *easement* is a permanent *easement*. Mr. Mills replied that it is a perpetual *easement*. Esty asked if the Board could look at the *easement* as part of the *subdivision* application. Coons replied that it is a question for the attorney for the *Town*.

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<sup>1</sup> Pages 19 – 36 *Subdivision* Controls

Fleisher summarized options for the Board to consider. The Board chose to schedule the public hearing and, if necessary, condition the final resolution. The Short Environmental Assessment Form was completed.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P17-2005**  
**H& L REALTY/MILLS SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #68.00-1-13.1**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS this Board has received an application from Lindsay T. and Karen R. Mills of H&L Realty, owners of tax *parcel* # 68.00-1-13.1, for *subdivision* approval of a 206.717 acre *parcel* as shown on a *survey* map by Weiler Associates dated September 25, 1992, revised October 5, 1992 and revised March 8, 2005;

AND WHEREAS the property is located on Halderman Hollow Road in the Rural (RU) *district*;

AND WHEREAS the *applicant* proposes to create the following two *parcels*:

- *Parcel C* being 5 acres for the construction of a single *family dwelling*,
- Remaining acreage being 201.717 acres containing vacant land;

AND WHEREAS there currently exists two *parcels* interior to the large *parcel*, owned by the Federal Aviation Administration (FAA), identified on the *survey* map as follows:

- *Parcel A* being 0.298 acres and containing two FAA towers
- *Parcel B* being 0.057 acres and containing vacant land;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule required for a subdivided *parcel* in the RU *district* is three (3) acres;

AND WHEREAS *Parcel C* does not have *road* frontage. However there exists an improved *easement* to *parcels A* and *B* that will provide access to *Parcel C*, preventing *Parcel C* from being landlocked;

AND WHEREAS the adjoining property *owners* have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of property owned by a federal agency;



AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for May 3, 2005 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Younge, Ormiston, Fleisher, Muir, Masler

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

**YEARICK/ROZELL SITE PLAN**

**CONCEPT PLAN**

**TAX PARCEL #57.02-2-66**

Fleisher described and reviewed the proposed resolution with the Board and asked if they had any questions or comments.

Younge asked if public water and sewer is available for the proposed *site plan*. Coons replied that public water is available but not public sewer. She suggested that the Health Department be contacted considering the nature of the business (transmission fluids, etc.). Coons replied that the application would be sent to the Health Department for review and that all waste oils would be confined and disposed of through proper channels.

Donald Yearick, *owner* of the property, asked if the previously approved Special *Use* Permit for a vehicle repair shop had been revoked. Fleisher replied that the nature of the new application is different in that the previous application did not involve waste products, such as transmission fluids. Coons replied that in speaking with the Attorney for the *Town*, it was felt that the previous Special *Use* Permit was granted on the uniqueness of that application and that this application was different enough to require a new review.

Esty asked Coons if he is aware of any similar businesses that require a Special *Use* Permit. Coons replied that he is not aware of any vehicle repair shop in this *district* that required dual approval from the Planning and *Town Boards*.

The sketch received tonight would be reviewed and determined as to whether it complies with the request in the proposed resolution for a preliminary *site plan* pursuant to Chapter 17.32.080 at the next Planning Board meeting.

Younge questioned the adequacy of the five *parking* spaces shown. Coons replied that he would revisit that aspect and report any changes to the Board.

**RESOLUTION P18-2005**

**YEARICK /ROZELL SITE PLAN AMENDMENT**

**CONCEPT PLAN**

**TAX PARCEL #57.02-2-66**

Resolution by: Younge

Seconded by: Muir

Whereas this Board has received an application from Kevin and Yolanda Rozell for a *site plan* amendment approval for a vehicle repair shop on tax *parcel* #57.02-2-66;

AND WHEREAS the property is owned by Donald Yearick and is located at 334 Sing Sing Road in the Airport Business *Development District*;

AND WHEREAS the *applicant* proposes to operate an automobile transmission repair business;

AND WHEREAS pursuant to Chapter 17.12.010, Vehicle Repair is a permitted *use* in the ABD *district* under *site plan* approval and upon granting of a Special *Use* Permit by the *Town Board*;

AND WHEREAS the *applicant* has submitted a sketch *site plan* showing the location of the *building* and proposed *parking area*;

AND WHEREAS the adjoining property *owners* have been notified of this application pursuant to the Rules of the Planning Board;

AND WHEREAS there was an approved *site plan* for a vehicle repair shop pursuant to Resolution P109, dated July 3, 2003, however the nature of this business is different and requires new approvals;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a concept plan;

AND FURTHER RESOLVED that the *applicant* shall submit a preliminary *site plan* pursuant to Chapter 17.32.080 to include; but not limited to the following:

- *Parking area* with dimensions,
- Location of outdoor storage
- Location of dumpster
- Signage
- *Outdoor lighting*
- Dimension of existing and any proposed *structures*
- Handling of waste oil and other chemicals

AND FURTHER RESOLVED that this application be tabled pending receipt of the required documentation.

CARRIED: AYES: Younge, Fleisher, Muir, Masler

NAYS: Ormiston

ABSTAIN: none

ABSENT: Piersimoni, Stewart

#### ***DALRYMPLE SUBDIVISION***

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #58.03-1-53 and #58.03-1-54**

Fleisher described and reviewed the proposed resolution. Coons asked to explain to the Board the *applicant's subdivision* application. The Board completed a Short Environmental Assessment Form and set a public hearing. Fleisher asked for questions or comments. Esty asked who owns the railroad spur shown on the map and if there is a *right-of-way* that could affect the application. Fleisher replied that the railroad spur would remain with the Dalrymple ownership. There being no further questions or comments, Fleisher asked for a resolution.

#### **RESOLUTION P19-2005**

#### ***DALRYMPLE SUBDIVISION***

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #58.03-1-53 and #58.03-1-54**

Resolution by: Esty

Seconded by: Muir

WHEREAS this Board has received an application from Dalrymple Gravel and Contracting Company, Inc., for a *subdivision* and *resubdivision* approval of tax *parcels* # 58.03-1-53 and #58.03-1-54, as shown on a *survey* map prepared by Weiler Associates, Job #13348.04, dated March 7, 2005,

AND WHEREAS the property is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS tax *parcel* #58.03-1-53 contains 18.323 acres and tax *parcel* #58.03-1-54 contains 23.659 acres;

AND WHEREAS the *applicant* proposes to subdivide *parcel* #58.03-1-53 to create the following two *parcels*:

- *Lot A* being 16.4 acres containing vacant land,
- *Lot A-1* being 1.923 acres containing a railroad track;

AND WHEREAS the *applicant* proposes to subdivide *parcel* #58.03-1-54 to create the following two *parcels*:

- *Lot B* being 21.377 acres containing vacant land,
- *Lot B-1* being 2.282 acres containing vacant land;

AND WHEREAS the *applicant* proposes to resubdivide *Lots A* and *B-1* to create one *parcel* to be conveyed to Commercial Net Lease Realty Services, Inc., for construction of a *retail development*;

AND WHEREAS the *applicant* proposes to resubdivide *Lots B* and *A-1* to create one *parcel* and retain ownership;

AND WHEREAS pursuant to the *Bulk and Density Control Schedule* requires three (3) acres minimum *lot area* per principal *use*;

AND WHEREAS the adjoining property *owners* have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a preliminary plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for May 3, 2005 at 6:40 P.M. or soon thereafter as practical.

CARRIED: AYES: Masler, Muir, Fleisher Ormiston, Younge

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY *SITE PLAN*  
TAX PARCEL #58.03-1-53**

Fleisher described and reviewed the proposed resolution and invited the *applicant* to present the application. Jack Moore, attorney for the *applicant* introduced Chris Schneck, *developer* for Commercial Net Lease Realty Services.

Mr. Schneck explained that Public Real Estate Investment Trust is a national company based in Florida that develops commercial properties. He explained to the Board that Commercial Net Lease Realty Services proposes to construct approximately 165,000 square feet of *retail* space that would consist of the following:

- A national *tenant* consisting of approx. 127,000 square feet (“Big Box”),
- A “Junior Box” consisting of approx. 20,000 square feet,
- Local *retail* space consisting of 20,000 square feet,
- A freestanding *restaurant* of 5,000 square feet.

Presently, the NYS Route I-86 roadway contractors *use* the site as a fill site. The *applicant* proposes to develop the site into a *retail* establishment with green space.

Mr. Schneck and Mr. William Goebel of Bohler Engineers answered the following questions and comments from the Board:

- Is there similar *development* that the Board could inspect.
  - There is a similar *development* being constructed in Rochester, N.Y. and one that has been completed in the Philadelphia area.
- Who is the **parent company**?
  - Commercial Net Lease Realty Service is a subsidiary of the Real Estate Trust.
- Is the **restaurant**
  - **Sit down or fast food?** Casual dining.
  - Would the *restaurant* have a **drive-through**? Not part of the proposed plan.
  - Locations of **dumpsters**? An area to the rear has been provided for dumpsters and trash.
- What is proposed for **signage**?
  - The proposed name would be “The Commons of Big Flats” and that illuminated *sign* would list the individual stores.
- The **green space** in the rear of the property seems to be intended to fulfill the **lot coverage** requirement.
  - In addition to the green space in the rear of the property, the reduced amount of *parking* spaces would increase the green space requirements.
- If the proposed **building** would be enclosed and have **separate entrances**.
  - This *mall* would be an open-air design.
  - A masonry façade with a combination of different materials to break up the façade.
- Opposition to a **non-signalized left turn**, especially considering delivery trucks that would be making left turns out of the east end access.
  - The consultants would review this concern but the reality is that the trucks have to enter and exit the site.
- What is the **estimated number of delivery trucks** daily and the hours of delivery.
  - Generally the anchor *tenant* (Big Box) retailer receives:
    - Approximately 8 – 12 smaller truck deliveries a day between 8 a.m.– noon. a.m.,
    - Approximately 5 – 7 tractor-trailers per week between 4 – 10 a.m.
    - The other *retail* spaces receive estimated at 5 – 10 trucks per week of varying sizes.
  - Esty suggested that the *applicant* consider accesses for **community buses**.

- What is the **distance from the existing traffic light** to the proposed traffic light and if the *applicant* has spoken with the County Public Works Commissioner concerning the signal change?
  - The distance is 700 feet and they have spoken with the County Public Works Commissioner initially.
- The **link between Consumer Square** and the proposed *development* is no longer shown on the last drawings submitted.
  - It is a possibility for the future; however, subject to negotiations between property owners.
- Are dry wells part of the proposed **drainage system**?
  - The *applicant* is proposing a combination of sand filters, underground retention, and an open basin in the rear of the property and added that the State Department of Environmental Conservation has strict requirements regarding storm water management.
- What about **snow removal**.
  - Snow would be pushed to the perimeter or removed from the site if large quantities affect the facilities.
- What are the plans for **salt storage** especially considering the proximity of the *Town's* well?
  - The *applicant* would talk with operations personnel and get back to the board with details concerning a maintenance plan. However, the proposed "Big Box" *tenant* does not *use* salt. Reiterated that the drainage would flow east away from the well.
- What about the **lighting plan**.
  - 38-foot poles distributed throughout the *lot* are proposed.
- What plan is there concerning raising the **level of the property** to prevent poor visibility slope accesses.
  - The property would be a filled site and some parts would be close to County Route 64 grade level.
- Review of proposed traffic patterns, landscaping and **elevation drawings**

Mr. Goebel of Bohler Engineers reviewed their drawings with the Board:

- The aerial photograph showed the surrounding area, the exact **location** of the property and the **drainage ditch** that surrounds the property.
- The only **existing access drive** is a gravel/paved *road* that traverses the property to the main plant.
- The **proposed retail space** is a total of 165,000 square foot.
- The **orientation of the front of the building** would be facing County Route 64.
- The proposed **west access** to the site would be a right turn lane only, located near the Consumer Square and Lowe's intersection. Also used for **delivery trucks**.
- A **signal light intersection** is proposed in the middle of the property and services as the **main access drive**.
- A third proposed access is at the **east side** of the property with **no traffic signal**, but the ability to make left and right turns. This proposed access would allow for **truck deliveries to exit**.
- The **Public utilities** are available and utilized.
- The **storm water management system** consists of different water quality and volume measures that control the runoff from the property.
- The following **variances** would be required:
  - *Setback* variance for the *side yards*,
  - *Parking setback* variances from the property line
  - *Rear yard green setback* variance
- The **landscaping plan** consists of:
  - Shade trees and low plantings throughout the *parking* field
  - The 50-foot of green space in the front is owned by the county as a *right-of-way*
  - A 25-foot front *setback* as required would provide additional green space
- Suggestions of what the **consultant for the Town** should review:
  - Ormiston said the entire project should be reviewed,

- Esty suggested a presentation from the consultant to the Board for a question and answer session.
- Coons distributed the list from the Consultant of topics reviewed and the amount required from the *applicant*.
- The pre-application meeting could possibly entail the Commissioner of Public Works of Big Flats, the Planning Board, and possibly a representative from the Zoning Board and codes.
- The *applicant* stated their willingness to deposit the amount required for the Consultant for the *Town*.
- The next step is *Town* Board authorization of the consultant's contract.

Ormiston commented that he would like to recommend that **local contractors** be involved in the project. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P20-2005**  
**DALRYMPLE GRAVEL/**  
**COMMERCIAL NET LEASE REALTY SERVICES**  
**PRELIMINARY PLAN**  
**TAX PARCEL #58.03-1-53**

Resolution by: Muir

Seconded by: Younge

WHEREAS as this Board has received an application from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision* approval of a *retail mall development* to be located on tax *parcel* #58.03-1-53;

AND WHEREAS the property is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the property is currently owned by Dalrymple Gravel and Contracting Company, Inc.;

AND WHEREAS the *applicant* proposes to construct a shopping center consisting of 165,000 square feet of *retail* space and a separate 5000 square foot *building* for *restaurant use*;

AND WHEREAS the *applicant* has submitted the following documentation:

- Site *Development* plan, Project #B040601, dated 2/25/05,
- *Planning and Zoning Narrative*,
- Stormwater Management Report prepared by Bohler Engineering dated March 7, 2005,
- Traffic Impact Study prepared by Creighton Manning Engineers dated March 7, 2005,
- Department of Environmental Conservation Notice of Intent (NOI) for a SPDES Permit,
- *Sign* Plan dated 2/25/05,
- *Subdivision* Plat for the division of lands being conveyed to Commercial Net Lease Realty Services, Inc., prepared by Weiler Associates, Job #13348.04, dated March 7, 2005,

AND WHEREAS the *applicant* proposes to subdivide the *parcel* as shown on a *survey* map by Weiler Associates, job #13348.04 dated March 3, 2005 and revised March 7, 2005, to create the following two *parcels*:

- *Parcel* 1 being 12.092 acres, which will contain the Big Box *retail* store,
- *Parcel* 2 being 6.589 acres, which will contain the balance of the *retail development* and the *restaurant*;

AND WHEREAS *Parcel* 1 will be sold to the Big Box *tenant* upon completion of the *development*;

AND WHEREAS the proposed *subdivision* line will be along the common wall of two *buildings* and variances will be required for the following:

- Required 15'0" minimum *side yard setback* pursuant to Chapter 17.16.020 of the *Town Municipal Code* for *Parcel 1* and *Parcel 2*,
- Required 15'0" *side yard buffer* pursuant to Chapter 17.36.200(D) of the *Town Municipal Code* for *Parcel 1* and *Parcel 2*;

AND WHEREAS the rear *drive* of *Parcel 2* extends into the required 25'0" rear *setback*, and a variance will be required pursuant to Chapter 17.36.200(D) of the *Town Municipal Code*;

AND WHEREAS the adjoining property *owners* have been notified of this application pursuant to the Rules of the Planning Board;

AND WHEREAS the *development* is proposed to have the following:

- 804 *parking* spaces,
- 11.2% interior green space (8% minimum required as per *Town Code* 17.48.010(J),
- 68.8% *lot coverage* (70% maximum permitted as per *Town Code* 17.16.020),
- *Building* height will be 30' (35' maximum permitted as per *Town Code* 17.16.020),
- Below grade storm water storage,
- One right-in only lane at the west end of the *development*,
- Signalized intersection in the middle location of the *development*,
- Non-signalized intersection at the east end of the *development*,
- Detention basin at the rear of the *development*,
- Freestanding illuminated *sign* located at the west end of the *development*,
- Freestanding illuminated *sign* located at the middle location of the *development*,

THEREFORE BE IT RESOLVED to accept the documentation submitted in this application as a preliminary plan;

AND FURTHER RESOLVED that for environmental review this Board finds this to be a Type I action in accordance with 6NYCRR 617.4 and hereby declares its intent to be Lead Agency with information of this application sent to the following Involved and Interested Agencies:

**Involved Agencies**

- New York State Department of Environmental Conservation
- New York State Department of Transportation
- New York State Office of Historic Preservation
- New York State Department of Health
- Elmira-Corning Regional *Airport*
- Chemung County Sewer *District*
- Chemung County Planning Board
- Chemung County Department of Public Works

**Interested Agencies**

- Big Flats Fire Department
- Big Flats Water Department
- Big Flats Department of Public Works
- Chemung County Soil & Water Conservation *District*
- Chemung County Health Department

AND FURTHER RESOLVED that due to the complexity of the application, this Board intends to hire a *consultant* to review the proposed plan, in particular the traffic impacts identified below. A preliminary review cost estimate has been obtained in the amount of \$20,000 and pursuant to Chapter 12 the Board recommends to the *Town Board*, and pursuant to Chapter 2.12 of the *Town Municipal*

*Code*, the *applicant* shall deposit funds (\$20,000) with the *Town* to pay for the expense of said *consultant* in the amount so estimated by the Laberge Group.

AND FURTHER RESOLVED that this Board recommends that the *Town* enter an agreement with the Laberge Group for services in the amount of \$20,000.

AND FURTHER RESOLVED that this Board has identified traffic concerns with this application and hereby directs the consultant for the *Town* to specifically review the following:

- Feasibility of the right-in only access at the west end of the *development*,
- Feasibility of the unsignalized access at the east end of the *development*,
- Feasibility of the installation of the proposed traffic signal with the existing traffic signal at the Lowe's *drive*,
- Accuracy of the Traffic Impact Study prepared by CME, in particular reviewing such impact study in relation to the proposed *redevelopment* of the Chemung County Commerce Center,
- Potential conflicts with the proposed signalized entrance and the existing entrance into the Southern Tier Food Bank,
- The overall developing traffic patterns in this area,
- Delivery truck traffic patterns, in particular reviewing the left turn traffic movement at the eastern *drive*.

AND FURTHER RESOLVED that the consultant for the *Town* shall comment on the prepared traffic pattern submitted by the Director of Building Inspection and Code Enforcement, dated February 15, 2005.

AND FURTHER RESOLVED that the consultant shall review the storm water management plan for compliance with local and state regulations, in particular ensuring that the proposed *development* will not pose a pollution/contamination risk to the public water supply located in vicinity to the project.

CARRIED: AYES: Masler, Muir, Fleisher Ormiston, Younge

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni, Stewart

#### COMMENTS:

- Fleisher commented that the Executive Committee would meet on April 6, 2005 at 4:15 p.m. instead of the usual day and time.
- Fleisher commented that due to Grievance Day our meeting for May 24, 2005 would be held in the Community Center.
- Lee Younge will be absent for the April 12, 2005 Planning Board meeting.
- **Soaring Ridge** correspondence dated March 16, 2005 from Fagan Engineers in response to Larry Wagner, Big Flats Commissioner of Public Works review and comments in regards the Soaring Ridge application. James Gensel of Fagan Engineers reply to Wagner's letter item for item including the following:
  - *Road* design, utilities and drainage.
- Gensel further commented that by extending the *road* to the property line, mainly the Watts property, in Fagan's opinion the property adjacent to the proposed *development* is not developable based on slope requirements that prevent the *development* of any slope greater than 25%. The research was based on topographic *survey* from the County Transportation Mapping. Younge commented that the Board has not received a copy of this information.
- Fleisher commented that the *Town Municipal Code* states that the *drive* should be extended to the property line. A conversation with Attorney Harry Willis of the Department of State referenced Article 16 of the Zoning & Planning in *Town* Law empowers the *Town*, i.e. the Planning Board, to waive any required public improvement if the Planning Board finds that such *improvements* "are found not to be requisites in the interest of public health, safety and general welfare or



inappropriate because of inadequacy or lacking connecting facilities adjacent or in proximity to the *subdivision*.”

- Gensel commented that in addition the maximum length of dead-end *roads* cannot be extended more than 2,000 feet.
- Esty commented that the adjacent property *owner* would not be landlocked because the County access extends to the adjacent property. Therefore, the value of the adjacent property would not be affected.
- Mark Watts, adjacent property *owner*, asked to address Gensel’s comments. Watts commented that he believes that he has at least six developable *lots*.
  - Watts felt that the scale used on the map is incorrect,
  - Watts referenced the *Town Municipal Code*, Section 16.08.030 indicating that the *subdivision owners* should show a topographical map to the adjoining property *owners*, which are not shown. Gensel replied that he would furnish Mr. Watts the Topographical data from the County. Coons suggested Watts refer to his letter conveying the Executive Committee’s concern that there is a legitimate reason not to extend the *road*. Coons spoke with the Attorney for the *Town*, who agreed that the requirement could be waived. A letter sent to Mr. Watts request a rebuttal by April 6, 2005 to the claims of the *applicant* that this proposed *road* extension to the property line is not warranted. Watts requested time to have his property surveyed and to receive documentation offered by Fagan Engineers.
- Fleisher commented that the Park Commission met and recommended payment in lieu of parkland.

Meeting adjourned at 9:10 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 4/19/2005 11:53 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF APRIL 12, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
James Ormiston  
\*Scott Esty  
Absent - Bill Stewart  
Absent - Lee Younge  
Absent - Alternate - Lance Muir

Guests: John Mustico, Art Ambrose, Marvin van derGrinten, Mark Watts, James Gensel, John Moore, Chris Schneck, Milton Roy, John Roy, Dorianne Riggs, Jack Fenze

Staff: Mary Ann Balland, Chuck Coons

**AGENDA**

The Board agreed to modify the Agenda by adding Item #7 Milton Roy Golf Course Reclamation Workshop.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of March 22, 2005. There being none, Ormiston made a motion to accept and approve the minutes of March 22, 2005, seconded by Masler. Younge, Esty, Stewart and Muir were absent. Fleisher, Masler, Piersimoni and Ormiston were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Cernohorsky Subdivision Preliminary Plat.

**PUBLIC HEARING**

6:33 P.M. **CERNOHORSKY SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #96.00-1-18.1**

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Corning Leader and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

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\* Arrived at 6:50 p.m.

Fleisher closed the Public Hearing at 6:35 P.M. and reconvened the business portion of the regular meeting.

**CERNOHORSKY SUBDIVISION  
FINAL PLAT  
TAX PARCEL #96.00-1-18.1**

Fleisher described and reviewed the proposed resolution and asked the Board for questions or comments. Ormiston asked if both lots contain vacant land. Coons replied that neither lot contains any structure.

**RESOLUTION P21-2005  
CERNOHORSKY SUBDIVISION  
FINAL PLAT  
TAX PARCEL #96.00-1-18.1**

Resolution by: Masler  
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from G. Ronald and Donna L. Cernohorsky, *owners* of tax *parcel* #96.00-1-18.1, as shown on a *survey* map by Dennis J. Wieland, L.S., dated January 11, 2005, for the *subdivision* approval of this 59.1-acre *parcel* to create the following two *lots*:

- *Lot A* being 3.5-acres containing vacant land, and
- *Lot B* being 55.6-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Mt. Saviour Road, north of Hendy Creek Road in the Rural (RU) *District*;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the area required for a subdivided *parcel* is three acres;

AND WHEREAS the Chemung County Planning Board at its March 17, 2005 meeting returned the application to the Town for local determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston  
NAYS: none  
ABSTAIN: none  
ABSENT: Younge, Stewart, Esty and Muir

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Fleisher described and reviewed the proposed resolution that would set a public hearing and request technical documentation from Barrington Associates, the *applicant* and Mark Watts, owner of the adjoining property, regarding the extension of Drive A to the proposed subdivision's southerly property line. Fleisher added that the *applicant* and adjoining property owner have been provided with the appropriate Town Municipal Code sections in terms of design standards and guidelines for roads.

Masler asked for the timeframe and what determines the portion of Mr. Watts' property that is developable. Coons replied that Mr. Watts has been in contact with an engineering firm to analyze the potential development on his property, has submitted a Topographical Map dated April 5, 2005 showing the contours of his property and has submitted his rebuttal to Fagan Engineer's letter dated March 16, 2005.

James Gensel, Fagan Engineers, representing the *applicant*, asked the Board to clarify what technical documentation the Board is requesting in order to determine whether to extend Drive A. Coons replied that the *applicant* should provide documentation as to the loss of a lot, the cost of extending the road, the gaining of one net lot, access for buses and emergency vehicles, and that the claim that the adjoining property owner has only three developable lots.

John Mustico, attorney for the adjoining property owner Mark Watts, asked to address the Board to inform the Board that his *applicant* has hired Dennis Weiland, to do survey work in regard to this project and Bergmann Associates to review the topography of the land. Attorney Mustico asked what is the exact definition of the term "developable" and where is it defined in the Town Municipal Code?

Gensel replied that the Town Municipal Code, Section 16.12.090(C) "Slopes Greater Than Twenty-Five Percent. .... shall not be developed..... " Attorney Mustico replied that in discussing extending a road for future development there would be an assumption in the future that the definition developable, zoning ordinances and the general plan of the Town might change. Therefore, what may not appear to be developable under current standards may well be developable in the future. Gensel replied that according to Department of Health regulations slopes of greater than 15% could have a septic leach field with good soil percolation.

Gensel provided a maximum developable slope sketch and that there is no section under 10% slope he expressed his concern of an unreasonable time delay waiting for a topographical survey. Fleisher replied that the Board would like to have all of the technical documentation at the next meeting.

Coons informed that the SEQR needs to be done before the May 24, 2005 Public Hearing and the application submitted to the County Planning Board. Attorney Mustico replied that his *applicant* would provide technical documentation within a reasonable timeframe; however, that the subdivision regulations of the Town do not call for any decision by this Planning Board with regard to the neighboring property. It states the neighboring property is undevelopable. Attorney Mustico referred to Town Municipal Code, section 12, which has nothing to do with the Planning Board and it cannot waive section 12. Fleisher commented that the Board has been advised by the Department of State that there is provision in State Town Law to waive subdivision regulations. Attorney Mustico replied yes, State Town Law 277(7) states that you can waive subdivision regulations showing public health safety and welfare issues.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P22-2005**  
**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**  
**SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project #2004.063, dated October 21, 2004, revised January 3, 2005;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* has submitted revised site plan dated February 17, 2005 proposing to re-subdivide the existing 10 *parcels* and create 23 *parcels* with associated infrastructure;

AND WHEREAS the *applicant* has submitted further revised site plan dated March 14, 2005;

AND WHEREAS the *applicant* has submitted a topography map dated April 5, 2005, showing contours of the adjacent parcels;

AND WHEREAS pursuant to Chapter 16.12.030(A2) there remains an unresolved question as to need of extending Drive A to the southerly property line abutting tax parcel #76.00-2-30, and this Board has requested technical documentation from the *applicant* and the owner of tax parcel #76.00-2-30 prior to determining the requirement to extend the drive;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*:

- *Steep slopes*,
- *Large trees* and wooded areas,
- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk* and *Density* Control Schedule of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3,000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

AND WHEREAS the *applicant* has met with the *Consultant* for the *Town* (Laberge Group) regarding the drainage of the site and the *consultant* is reviewing the proposed drainage analysis;

THEREFORE BE IT RESOLVED that this Board accepts the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED since all of the technical data is not yet available to the Planning Board regarding the extension of Drive A to the property line as indicated above, this Board reserves decision at this time regarding the extension of Drive A;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing on the Preliminary Plat for May 24, 2005 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Ormiston, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: Esty

ABSENT: Younge, Stewart and Muir

Fleisher asked that the record show Scott Esty arrived at 6:50 p.m.

**YEARICK /ROZELL SITE PLAN AMENDMENT  
PRELIMINARY PLAN  
TAX PARCEL #57.02-2-66**

Fleisher reviewed the proposed resolution and completed a Short Environmental Assessment Form. He asked the Board for questions or comments, there being none, he asked for a resolution.

**RESOLUTION P23-2005  
YEARICK /ROZELL SITE PLAN AMENDMENT  
PRELIMINARY PLAN  
TAX PARCEL #57.02-2-66**

Resolution by: Esty

Seconded by: Masler

Whereas this Board has received an application from Kevin and Yolanda Rozell for a site plan amendment approval for a vehicle repair shop on tax parcel #57.02-2-66;

AND WHEREAS the property is owned by Donald Yearick and is located at 334 Sing Sing Road in the Airport Business Development District;

AND WHEREAS the *applicant* proposes to operate an automobile transmission repair business;

AND WHEREAS pursuant to Chapter 17.12.010, Vehicle Repair is a permitted use in the ABD district under site plan approval and upon granting of a Special Use Permit by the Town Board;

AND WHEREAS the *applicant* has submitted a revised site plan pursuant to Resolution P18-2005 showing the following:

- Parking area with dimensions,
- Location of fenced in area for outdoor storage
- Location of dumpster
- Signage located on the front of the *building*
- Outdoor light located on the front of the *building*
- Dimension of existing structure
- Handling of waste oil and other chemicals
- Location of future office addition

AND WHEREAS the *applicant* has submitted a letter dated April 4, 2005 stating that waste oil will be disposed of using a disposal service or taken to a waste oil facility;

AND WHEREAS there was an approved site plan for a vehicle repair shop pursuant to Resolution P-109-2003, dated July 3, 2003, however the nature of this business is different and requires new approvals;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a Preliminary plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17;

CARRIED: AYES: Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Younge, Stewart and Muir

**WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Fleisher described and reviewed the proposed resolution. He asked the Board for questions or comments. Coons commented that the Zoning Board of Appeals originally approved the freestanding sign in 1992 for El Monte Inn for a period of one year.

Piersimoni asked for the total square footage of the existing signs. Coons described the location and sizes of the existing signs. The definition of off-lot signage needs to be clarified.

Masler commented that portable signage would be limited to a particular timeframe. Fleisher states that the code defines portable sign duration for a cumulative period of four weeks within any consecutive 12-month period. Ormiston commented that he is uncomfortable with portable signs setting precedent; however, he feels this could be an exception because of the *use* being farmland products. Gloria Giles commented that the agriculture season is from May through December.

Fleisher asked what the off-lot freestanding sign advertises. Coons replied that the sign advertises "Buy Locally Pork and Beef". Fleisher questioned as to whether the products being advertised are available at the local market. Piersimoni commented that it is her understanding that the proposed addition is for a meat freezer.

Coons recommended favorable approval with provision that a reasonable timeframe be determined prior to site plan approval. Esty commented that the condition include restriction to locally grown agricultural products.

Piersimoni asked if the existing parking lot is to remain gravel. Coons replied that it would remain gravel.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P24-2005  
WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY *SITE PLAN*  
TAX PARCEL #67.02-1-2.111**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *property* is owned by the Welles Family Trust;

AND WHEREAS the *applicant* has submitted a letter dated January 17, 2005, from Jonathan Welles, Trustee for the Welles Trust, identifying that the *applicant* is currently operating a business on the property under the terms of a lease agreement;

AND WHEREAS the *applicant* has operated the business as a *Roadside Stand* and now wishes to expand the operation, and said expansion will constitute a new *use*, namely a *Farm Market*;

AND WHEREAS the *Town Board*, at its June 23, 2004 meeting, adopted Local Law #2, 2004, which defines *Farm Market* as follows:

*Farm Market: A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities.*

AND WHEREAS the *applicant* has constructed a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing *building*;

AND WHEREAS pursuant to Resolution P73-2004, the following is shown in the revised site plan:

- Location of the existing 32' x 32' *building* housing the Maple Valley Farm Market
- Location of the proposed 20' x 32' addition to the existing *building*
- Location of 20 parking spaces
- Location of the split-rail fence to delineate the 40' wide entrance drive
- Location of two portable bathroom facilities
- Location of a freestanding sign along County Route 64



- Location of an existing 80 square foot freestanding sign along New York State Route 17/I-86
- Location of portable sign along New York State Route 17/I-86 affixed to a farm wagon that will be moved around the property on occasion

AND WHEREAS there currently exists a dusk-to-dawn pole light;

AND WHEREAS landscaping will be accomplished by use of seasonal decorations in the display in front of the *building*;

AND WHEREAS the *applicant* currently disposes of waste product by removal from site or reintroduced into the farm fields, and therefore no dumpster is required;

AND WHEREAS the existing *building* is located 14 feet from the side lot line, and pursuant to the Bulk and Density Schedule the required side setback for a structure in the BR district is 15 feet, and a variance is required to bring the structure into compliance;

AND WHEREAS the freestanding sign and the portable sign along New York State Route 17/I-86 are not located on the leased property and are thus considered off-lot signs and are prohibited by Chapter 17.52.0303(A8) of the Town Municipal Code;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Preliminary Plan;

AND FURTHER RESOLVED that this Board finds that the proposed site plan contains features in violation of the Town Municipal Code and therefore requires variances granted by the Zoning Board of Appeals prior to further action by this Board:

AND FURTHER RESOLVED that this Board makes comments to the Zoning Board of Appeals for consideration of each of the following variance issues:

- **Building setback** – The existing *building* is constructed one foot closer to the property line than permitted by Town Municipal Code. There is not detriment to the community to permit the building to remain, and the cost to the *applicant* to move the building would be significant. This Board recommends favorable approval to the Zoning Board of Appeals to grant relief of one foot.
- **Off-Lot Freestanding Sign** – This sign has been established for many years and currently advertises the farm market. The sign is located on farmland that the *applicant* farms. The sign provides highway visibility for a local agricultural based business. This Board recommends favorable approval by the Zoning Board of Appeals to permit the sign for the current agricultural business.
- **Off-Lot Portable Sign** – Portable signs are permitted to be used for cumulative period of 4 weeks in any consecutive twelve-month period. The *applicant* proposes to rotate the sign on the farmland on a monthly basis. This Board recommends favorable approval with provision that a reasonable timeframe be determined to advertise seasonal agricultural products.

CARRIED: AYES: Ormiston

NAYS: Esty, Fleisher, Masler, Piersimoni

ABSTAIN: none

ABSENT: Younge, Stewart and Muir

Fleisher declared the vote as a no decision. Motion to approve the proposed resolution was defeated.

Fleisher asked if the Board would like to modify the proposed resolution for a revote. Esty made a motion to accept the proposed resolution with the modification that the Off-Lot Freestanding Sign approval not be recommended to the Zoning Board of Appeals and that the granting of the requested variance would be inconsistent with the planning objectives of the Town Comprehensive Plan.

**WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Esty recommended that the Off-lot freestanding sign be modified to reflect that the codes states that no off-lot freestanding sign are permitted; therefore, the Board not recommend favorable approval of the requested variance. Resolution P24-2005 was modified and the revote carried.

**RESOLUTION P25-2005  
WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *property* is owned by the Welles Family Trust;

AND WHEREAS the *applicant* has submitted a letter dated January 17, 2005, from Jonathan Welles, Trustee for the Welles Trust, identifying that the *applicant* is currently operating a business on the property under the terms of a lease agreement;

AND WHEREAS the *applicant* has operated the business as a *Roadside Stand* and now wishes to expand the operation, and said expansion will constitute a new *use*, namely a *Farm Market*;

AND WHEREAS the *Town Board*, at its June 23, 2004 meeting, adopted Local Law #2, 2004, which defines *Farm Market* as follows:

*Farm Market. A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities.*

AND WHEREAS the *applicant* has constructed a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing building;

AND WHEREAS pursuant to Resolution P73-2004, the following is shown in the revised site plan:

- Location of the existing 32' x 32' building housing the Maple Valley Farm Market
- Location of the proposed 20' x 32' addition to the existing building
- Location of 20 parking spaces
- Location of the split-rail fence to delineate the 40' wide entrance drive
- Location of two portable bathroom facilities
- Location of a freestanding sign along County Route 64
- Location of an existing 80 square foot freestanding sign along New York State Route 17/I-86
- Location of portable sign along New York State Route 17/I-86 affixed to a farm wagon that will be moved around the property on occasion

AND WHEREAS there currently exists a dusk-to-dawn pole light;

AND WHEREAS landscaping will be accomplished by use of seasonal decorations in the display in front of the building;

AND WHEREAS the *applicant* currently disposes of waste product by removal from site or reintroduced into the farm fields, and therefore no dumpster is required;

AND WHEREAS the existing building is located 14 feet from the side lot line, and pursuant to the Bulk and Density Schedule the required side setback for a structure in the BR district is 15 feet, and a variance is required to bring the structure into compliance;

AND WHEREAS the freestanding sign and the portable sign along New York State Route 17/I-86 are not located on the leased property and are thus considered off-lot signs and are prohibited by Chapter 17.52.0303(A8) of the Town Municipal Code;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Preliminary Plan;

AND FURTHER RESOLVED that this Board finds that the proposed site plan contains features in violation of the Town Municipal Code and therefore requires variances granted by the Zoning Board of Appeals prior to further action by this Board:

AND FURTHER RESOLVED that this Board makes comments to the Zoning Board of Appeals for consideration of each of the following variance issues:

- **Building setback** – The existing building is constructed one foot closer to the property line than permitted by Town Municipal Code. There is not detriment to the community to permit the building to remain, and the cost to the *applicant* to move the building would be significant. This Board recommends favorable approval to the Zoning Board of Appeals to grant relief of one foot.
- **Off-Lot Freestanding Sign** – This sign has been established for many years and currently advertises the farm market. The sign is located on farmland that the *applicant* farms. The sign provides highway visibility for a local agricultural based business. That based on the

above findings the Planning Board has determined that the granting of the requested variance would be inconsistent with the planning objectives of the Town Comprehensive Plan and does not recommend approval of this request by the Zoning Board of Appeals.

- **Off-Lot Portable Sign** – Portable signs are permitted to be used for cumulative period of 4 weeks in any consecutive twelve-month period. The *applicant* proposes to rotate the sign on the farmland on a monthly basis. This Board recommends favorable approval with provision that a reasonable timeframe be determined to advertise seasonal agricultural products.

CARRIED: AYES: Esty, Fleisher, Masler, Piersimoni

NAYS: Ormiston

ABSTAIN: none

ABSENT: Younge, Stewart and Muir

**BIG FLATS VOLUNTEER FIRE COMPANY, INC.  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL # 66.02-2-51**

Fleisher reviewed the proposed resolution to set a Public Hearing on the Preliminary Plat and the Board completed a Short Environmental Assessment Form. He asked the Board for questions or comments; there being none, he asked for a resolution.

**RESOLUTION P26-2005  
BIG FLATS VOLUNTEER FIRE COMPANY, INC.  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL # 66.02-2-51**

Resolution by: Ormiston

Seconded by: Masler

WHEREAS this Board has received an application from Big Flats Volunteer Fire Company, Inc., owners of tax parcel # 66.02-2-51, for subdivision approval as shown on a drawing prepared by Kenneth Decker, job #6-05-3229, dated March 25, 2005;

AND WHEREAS the property is located at 485 Maple Street in the Town Center (TC) district;

AND WHEREAS the *applicant* proposes to subdivide a parcel consisting of 1.026 acres to create the following two parcels:

- Parcel B being 0.481 acres (20,952 square feet) – containing a single family dwelling and detached garage
- Parcel B-1 being 0.545 acres (23,740 square feet) containing vacant land;

AND WHEREAS the *applicant* proposes to sell Parcel B to be used for a business use;

AND WHEREAS pursuant to the Bulk and Density Control Schedule required for a subdivided parcel in the TC district is 10,000 square feet for a parcel with a business use;

AND WHEREAS the *applicant* proposes to merge Parcel B-1 with Tax Parcel 66.02-2-57, identified as Parcel A, being 3.358 acres and containing the fire station and accessory structures, to create one parcel being 3.903 acres;

AND WHEREAS the adjoining property owners have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a preliminary *subdivision* plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing on the Preliminary Plat for May 24, 2005 at 6:35 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty

NAYS: none

ABSTAIN: none

ABSENT: Younge, Stewart and Muir

### **MILTON ROY GOLF COURSE RECLAMATION WORKSHOP**

Fleisher introduced Dorianne Riggs, daughter of Milton Roy, to present a workshop proposing a nine-hole golf course to be located off Sing Sing Road. The property is owned by Mr. Roy and is presently being mined for gravel. No formal application has been presented to the Board; therefore, Chuck Coons, Director of Building and Codes, suggested that the *applicant* present their plan in a workshop format.

Because reclamation of gravel mining is a requirement, Mr. Roy proposes a golf course and is requesting a letter from the Town to authorize further gravel mining of additional acreage.

Ms. Riggs stated the following:

- As Mr. Roy does the required reclamation of his gravel mining, he would like to prepare the site for a nine-hole golf course.
- Presently, a golf course is not a permitted *use* in the Airport Business Development district; therefore, the *applicant* is asking that the *Town* add golf course as a permitted *use* in that *district*. Fleisher explained the procedures that a *Site Plan* Application would need to be submitted to the Planning Board before a *use* variance or a zoning amendment change would be considered. Coons added that the reclamation is not expected to get started for at least four years. Ms. Riggs commented that the possibilities need to be worked out before the land can be prepared for reclamation into a golf course. Reclamation requires only covering the area with 2-4 inches of topsoil and plant grass.
- The second part of the *applicant's* request is the approval of an additional 27 acres of gravel mining. Fleisher asked if the Department of Environmental Conservation (DEC) approved the additional 27 acres of gravel mining. Ms. Riggs replied that is correct, but Mr. Roy needs a letter from the Town of Big Flats approving the additional gravel mining.
- Coons explained that the *applicant* needs to go before the Town for a zoning use amendment before submitting a site plan to the Planning Board.

Fleisher explained that the site plan would have to include: ingress, egress, parking and any building.

Ormiston commented that he would like all of the Airport Business Development uses reviewed under the Town's Comprehensive Plan.

There being no further questions or comments, the Ms. Riggs and Mr. Roy thanked the Board for their time.

#### COMMENTS:

- Distributed at the meeting were the following correspondences.
  - Correspondence from Attorney Mustico in reference to Soaring Ridge Subdivision.
  - Correspondence received from Developers Diversified Realty (DDR) (Consumer Square) regarding the shared traffic light at the entrance to Lowe's and the eastern entrance to Consumer Square
  - Correspondence from the Laberge Group, (Town's consultant for the Commercial Net Lease project Site Plan Application), that identified various points in the sketch plan submitted by the *applicant*.
- Fleisher queried the Board for various questions or comments concerning the Commercial Net Lease application.
- Esty commented that
  - The Laberge Group **alternative building layout** be reviewed and questioned as to what authority the Town has in recommending an alternative lot layout.
  - He is also concerned with the traffic issues.
  - Throughout his travels around the country, he has observed **developments that are more attractive**. John Moore, attorney for the developer, replied that the developer is not opposed to beautifying the layout with landscaping but to change the whole layout three months into the concept stages seem unreasonable.
  - Consider the suggestion from the Town's consultant of changing the building to an L shaped building. Attorney Moore replied that an L shape would negatively impact the parking.
  - If the developer has considered the excess **parking, be located behind the buildings**. Chris Schneck, the developer replied that they have considered secondary parking for employees; however, customer parking behind the building would create a security issue. Coons commented that the Town well is also a security concern of the Highway Department.
- Ormiston commented that
  - An access to Consumer Square be possible to help with the **traffic issues**. Fleisher commented that in his conversation with Attorney Moore, DDR (Consumer Square) requested one million dollars regarding an access road. Attorney Moore explained that DDR or any of the other businesses have no obligation to agree to an access to the proposed site.
- Attorney Moore, explained that the *applicant* has **three constraints**: Time, money and tenants.
  - It would be beneficial to have the consultant for the Town sit down with the *applicant* and discuss the differences.
  - The site is fully engineered to take into account utilities, traffic design, how to build it, what the land is like and what the tenants will accept.
  - This development would bring shopping, tax dollars, real estate tax dollars and jobs to the area.

- Fleisher commented that
  - Consider the suggestion by the Town's consultant as to splitting the building into two sections still facing County Route 64. Chris Schneck replied that developments that consist of large tenant vs. the **"Life Style"** development concept are impractical and costly. These "Life Style" developments consist of smaller retailers not the power centers like Targets or Best Buys.
  - Chris Schneck responded to the Town consultant's comments concerning trucks making left turns out of the proposed easterly access drive. Their traffic consultant (Creighton Manning) assured him that left turn works. This engineering issue needs to be further addressed.
  - The **grassy area** in the rear of the project does not beautify the project. Attorney Moore replied that because the potential tenant requires more than the minimum required **parking area** and considering the Town Municipal Code requires 30% green space. The developer purchased additional land in the rear of the site from Dalrymple Gravel. The ordinance does not condition where the green space is to be located. Esty commented that there are a large number of parking spaces not being used at the Consumer Square; therefore, why should the Board agree to more parking spaces than what is required by Code.
  - The parking predicated by the developer is based on needs for a couple of months a year. Attorney Moore replied that is what the proposed tenants require.
  - One option was to align the center access road with the Food Bank facility. Moore commented that the developer has spoken with Food Bank concerning this option. Schneck also stated that if the easterly drive does not align with the car dealership drive the developer would shift the access to align.
  - Schneck agrees that Laberge and the developer need to sit down and establish some parameters in terms of how the potential of additional large developments would affect our Town. Attorney Moore explained that the developer selects a site and creates a plan. If negative impact in that area is caused by the plan, the developer has to mitigate that negative impact. The developer does not have to mitigate a negative impact that might happen in the future because of another development.
- Piersimoni commented that
  - The Town wants new development to be attractive. Attorney Moore replied that the developer intends to provide a berm and underground utilities. Schneck replied that the developer feels they are improving the site.
  - Public sentiment is against the low paying jobs offered by retail development. Attorney Moore replied that he serves on the Southern Tier Economic Growth (STEG) Board that is trying to bring in manufacturing jobs.
- Masler commented that
  - His concerns include the alignment of the drives
  - Fewer parking spaces to increase landscaping. Schneck replied that the power center requires more parking than code.
  - Reduce the lighting. Schneck replied that the lighting is medium foot-candles at 3.5; however, he thinks Laberge is indicating that the height of the poles is ugly. Schneck agrees to reconsider the height.
- Coons commented that he would like to identify the following issues:
  - Laberge's comments in reference to the three curb cuts to the property. He spoke with Tim Von Neida commented that three curb cuts were unnecessary for that size development.
  - Service Road – that the County may possibly consider a build out to Fisherville Road.

Fleisher summarized that from what he has heard tonight the developer is willing to compromise but

the prospective tenants may not be as willing to compromise. Attorney Moore replied that there is a bit of give from the tenants' perspective. Schneck agreed to work with the Laberge Group with landscaping, but nothing dramatic such as moving buildings around.

Meeting adjourned at 9:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 5/4/2005 3:16 PM



**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MAY 3, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Lee Younge  
Alternate - Lance Muir

Absent - Bill Stewart  
Absent - James Ormiston

Guests: Dave Shoen, Dave Young, Mark Watts, John Mustico, Lindsay Mills, Karen Mills, James Gensel, Bill Goebel, Jack Moore, Chris Friend, Art Ambrose, Clay Ambrose, Chris Schneck

Staff: Dean Frisbie, Leonard Kaner, Duane Gardner, Mary Ann Balland, Chuck Coons, Tom Reed

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of April 12, 2005. There being none, Esty made a motion to accept and approve the minutes of April 12, 2005, seconded by Muir. Stewart and Ormiston were absent. Younge abstained. Fleisher, Piersimoni, Masler and Esty were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the H.L Realty Mills/Mills Subdivision Preliminary Plat.

**PUBLIC HEARING**

**6:33 P.M. H&L REALTY/MILLS SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #68.00-1-13.1**

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: Fleisher read the letter dated 4/25/05 from Daniel Gilbert, an adjoining *property owner*.

Fleisher closed the Public Hearing at 6:35 P.M. and reconvened the business portion of the regular meeting.

**H& L REALTY/MILLS SUBDIVISION  
FINAL PLAT  
TAX PARCEL #68.00-1-13.1**

Fleisher described and reviewed the proposed resolution that would finalize the subdivision *application*. He asked for questions or comments, there being none he asked for a resolution.

**RESOLUTION P27-2005  
H& L REALTY/MILLS SUBDIVISION  
FINAL PLAT  
TAX PARCEL #68.00-1-13.1**

Resolution by: Muir  
Seconded by: Masler

WHEREAS this Board has received an *application* from Lindsay T. and Karen R. Mills of H&L Realty, owners of tax *parcel* # 68.00-1-13.1, for *subdivision approval* of a 206.717 acre *parcel* as shown on a *survey* map by Weiler Associates dated September 25, 1992, revised October 5, 1992 and revised March 8, 2005;

AND WHEREAS the *property* is located on Halderman Hollow Road in the Rural (RU) *district*;

AND WHEREAS the *applicant* proposes to create the following two *parcels*:

- *Parcel C* being 5 acres for the construction of a single *family dwellin g*,
- Remaining acreage being 201.717 acres containing vacant land;

AND WHEREAS there currently exists two *parcels* interior to the large *parcel*, owned by the Federal Aviation Administration (FAA), identified on the *survey* map as follows:

- *Parcel A* being 0.298 acres and containing two FAA towers
- *Parcel B* being 0.057 acres and containing vacant land;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule required for a subdivided *parcel* in the RU *district* is three (3) acres;

AND WHEREAS *Parcel C* does not have *road* frontage. However there exists an improved *easement* to *parcels* A and B that will provide access to *Parcel C*, preventing *Parcel C* from being landlocked;

AND WHEREAS the *applicant* has submitted a copy of the deed referencing the *easement* for the FAA *property*, and the attorney for the Town has reviewed said document and stated that the new parcel will lawfully *use* the existing *easement*;

AND WHEREAS the Chemung County Planning Department, at its April 27, 2005 meeting, returned the *application* for local determination;

AND WHEREAS the Director of Building Inspections and Code Enforcement spoke with Don Coyles, attorney for Mr. Gilbert, and Attorney Coyles stated that there are no legal issues that his client has with the proposed subdivision;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Dalrymple Gravel and Contracting Company Subdivision Preliminary Plat.

## **PUBLIC HEARING**

### **6:33 P.M. DALRYMPLE SUBDIVISION PRELIMINARY PLAT TAX PARCEL #68.00-1-13.1**

Chair Fleisher called the Public Hearing to order at 6:38 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: John Moore, attorney for the *applicant* stated, the subdivision plat is for final approval and for the purpose of being sold for the proposed shopping center.

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:41 P.M. and reconvened the business portion of the regular meeting.

## ***DALRYMPLE SUBDIVISION***

### **FINAL PLAT**

### **TAX PARCEL #58.03-1-53 and #58.03-1-54**

Fleisher described and reviewed the proposed resolution that would finalize the subdivision *application*. He asked for questions or comments, there being none he asked for a resolution.

## **RESOLUTION P28-2005**

### ***DALRYMPLE SUBDIVISION***

### **PRELIMINARY PLAT**

### **TAX PARCEL #58.03-1-53 and #58.03-1-54**

Resolution by: Younge

Seconded by: Esty

WHEREAS this Board has received an *application* from Dalrymple Gravel and Contracting Company, Inc., for a *subdivision* and *resubdivision approval* of tax *parcels* # 58.03-1-53 and #58.03-1-54, as shown on a *survey* map prepared by Weiler Associates, Job #13348.04, dated March 7, 2005,

AND WHEREAS the *property* is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS tax *parcel* #58.03-1-53 contains 18.323 acres and tax *parcel* #58.03-1-54 contains 23.659 acres;

AND WHEREAS the *applicant* proposes to subdivide *parcel* #58.03-1-53 to create the following two *parcels*:

- *Lot A* being 16.4 acres containing vacant land,
- *Lot A-1* being 1.923 acres containing a railroad track;

AND WHEREAS the *applicant* proposes to subdivide *parcel* #58.03-1-54 to create the following two *parcels*:

- *Lot B* being 21.377 acres containing vacant land,
- *Lot B-1* being 2.282 acres containing vacant land;

AND WHEREAS the *applicant* proposes to re-subdivide *Lots A* and *B-1* to create one *parcel* to be conveyed to Commercial Net Lease Realty Services, Inc., for construction of a *retail development*;

AND WHEREAS the *applicant* proposes to re-subdivide *Lots B* and *A-1* to create one *parcel* and retain ownership;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule requires three (3) acres minimum *lot area* per principal *use*;

AND WHEREAS the Chemung County Planning Department, at its April 27, 2005 meeting, recommended approval;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

**YEARICK /ROZELL SITE PLAN AMENDMENT  
PRELIMINARY PLAN  
TAX PARCEL #57.02-2-66**

Fleisher described and reviewed the proposed resolution that would finalize the subdivision *application*. He asked for questions or comments. Younge asked how long the waste oil would be stored on the site because her understanding is that you can only store waste oil for a certain amount of time. Coons replied that the *applicant* would be using Safety-Kleen. Younge commented that Safety-Kleen knows how to deal with waste oil. Esty questioned the proposed *parking* and that a condition be placed on the resolution to restrict the *parking area*. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P29-2005  
YEARICK /ROZELL SITE PLAN AMENDMENT  
PRELIMINARY PLAN  
TAX PARCEL #57.02-2-66**

Resolution by: Piersimoni  
Seconded by: Masler

WHEREAS this Board has received an *application* from Kevin and Yolanda Rozell for a *site plan* amendment approval for a *vehicle repair* shop on tax parcel #57.02-2-66;

AND WHEREAS the *property* is owned by Donald Yearick and is located at 334 Sing Sing Road in the *Airport Business Development* District;

AND WHEREAS the *applicant* proposes to operate an automobile transmission repair business;

AND WHEREAS pursuant to Chapter 17.12.010, *Vehicle Repair* is a permitted *use* in the ABD district under *site plan* approval and upon granting of a Special *Use* Permit by the *Town Board*;

AND WHEREAS the *applicant* has submitted a revised *site plan* pursuant to Resolution P18-2005 showing the following:

- *Parking area* with dimensions,
- Location of *fenced* in area for outdoor storage
- Location of dumpster
- Signage located on the front of the *building*
- Outdoor light located on the front of the *building*
- Dimension of existing *structure*
- Handling of waste oil and other chemicals
- Location of future office addition

AND WHEREAS the *applicant* has submitted a letter dated April 4, 2005 stating that waste oil will be disposed of using a disposal service or taken to a waste oil facility;

AND WHEREAS there was an approved *site plan* for a *vehicle repair* shop pursuant to Resolution P-109-2003, dated July 3, 2003, however the nature of this business is different and requires new approvals;

AND WHEREAS the Chemung County Planning Board, at its April 27, 2005 meeting recommended approval subject to any conditions by the Town Planning Board;

THEREFORE BE IT RESOLVED that this Board approves the documents as a Preliminary plan;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as a final plan and the final plan is approved subject to the following conditions:

- The existing *sign* on the *building* shall be the only *sign* permitted,
- There be no additional *outdoor lighting* installed unless approved by *site plan* amendment.
- The office addition shall be reviewed and approved by *site plan* amendment prior to construction.
- *Parking* to be restricted to proposed *parking areas*. Any modification to the *parking* shall be approved by *site plan* amendment.

AND FURTHER RESOLVED that this decision be forwarded to the *Town Board* for its consideration for a Special *Use* Permit approval.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Muir, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart, Ormiston

**WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Fleisher described and reviewed the proposed resolution that would accept the findings by the Zoning Board of Appeals for the *setback* variance and the freestanding *sign* variance prior to final action and to receive a decision on the off-lot portable *sign*.

**RESOLUTION P30-2004  
WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Resolution by: Esty  
Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *property* is owned by the Welles Family Trust;

AND WHEREAS the *applicant* has submitted a letter dated January 17, 2005, from Jonathan Welles, Trustee for the Welles Trust, identifying that the *applicant* is currently operating a business on the *property* under the terms of a lease agreement;

AND WHEREAS the *applicant* has operated the business as a *Roadside Stand* and now wishes to expand the operation, and said expansion will constitute a new *use*, namely a *Farm Market*;

AND WHEREAS the *Town Board*, at its June 23, 2004 meeting, adopted Local Law #2, 2004, which defines *Farm Market* as follows:

*Farm Market. A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities.*

AND WHEREAS the *applicant* has constructed a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing *building*;

AND WHEREAS pursuant to Resolution P73-2004, the following is shown in the revised *site plan*:

- Location of the existing 32' x 32' *building* housing the Maple Valley Farm Market
- Location of the proposed 20' x 32' addition to the existing *building*
- Location of 20 *parking* spaces
- Location of the split-rail *fence* to delineate the 40' wide entrance *drive*
- Location of two portable bathroom facilities
- Location of a freestanding *sign* along County Route 64
- Location of an existing 80 square foot freestanding *sign* along New York State Route 17/I-86
- Location of portable *sign* along New York State Route 17/I-86 affixed to a farm wagon that will be moved around the *property* on occasion

AND WHEREAS there currently exists a dusk-to-dawn pole light;

AND WHEREAS landscaping will be accomplished by *use* of seasonal decorations in the display in front of the *building*;

AND WHEREAS the *applicant* currently disposes of waste product by removal from site or reintroduced into the farm fields, and therefore no dumpster is required;

AND WHEREAS the Zoning Board of Appeals, at its April 18, 2005 meeting, made the following findings:

- An Area Variance was approved to permit the existing *building* to remain as constructed one foot closer to the side *property* line than permitted,
- A variance was approved to permit the off-*lot* freestanding *sign* to remain adjacent to NYS Route 17/I86. Due to the uniqueness of this operation and its unique location between two major highways, and the fact that the leased land does border both highways, this Board grants a variance to permit the freestanding *sign* to remain subject to the following conditions:
  - The *sign* shall promote the farm operation and the products grown for the associated farm market,
  - There shall be no language on the *sign* that does not promote products raised by this farm operation,
  - The size of the *sign* is permitted to be no more than 80 square feet,
  - The County of Chemung Planning Board shall review and comment favorably on the *application*.
- The variance request for the off-*lot* portable *sign* was tabled pending further documentation submission by the *applicant*;

THEREFORE BE IT RESOLVED that this Board accepts the finding of the Zoning Board of Appeals for the *building setback* variance;

AND FURTHER RESOLVED that this Board has tabled the *application* pending clarification from the Zoning Board of Appeals of the conditions of the freestanding *sign* and pending final decision of the off-*lot* portable *sign*.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: Muir

ABSTAIN: None

ABSENT: Stewart, Ormiston

**HOUCK AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #48.03-2-15.1**

Fleisher described and reviewed the proposed resolution that could finalize the subdivision *application*. Fleisher asked for questions or comments.

- Coons commented that he met with Mr. Houck and considering the way the original *property* is set up, Mr. Houck would require a variance. It is common in that *development* to build more than the small *lots* are designed for.
- Fleisher asked Coons what is the purpose of the proposed addition to the garage.
  - Coons replied a workshop.
- Fleisher asked what is the size of the garage?
  - Coons replied 24 feet x 24 feet.
- Fleisher asked Coons if he is suggesting that the benefit could not be achieved by any other means?
  - Coons replied “yes”
- Fleisher asked if the existing garage could be used as a workshop.
  - Coons replied that Mr. Houck has part of the garage enclosed.

There being no further questions or comments, Fleisher asked for a resolution as modified.

**RESOLUTION P31-2005  
HOUCK AREA VARIANCE  
ZONING REFERRAL  
TAX PARCEL #48.03-2-15.1**

Resolution by: Younge

Seconded by: Muir

WHEREAS the Zoning Board of Appeals has referred to this Board an *application* for an Area Variance from James and Joyce Houck a garage addition to be constructed closer to the side *lot* line than permitted on tax parcel 48.03-2-15.1;

AND WHEREAS the *property* is located at 136 Rocking Chair Drive in Retirement Estates in the Senior Housing Planned Multiple Residential (SHPMR) District;

AND WHEREAS the *applicant* proposes to construct an 8' x 16' addition to the existing attached garage, and said addition will be located three feet from the side *lot* line;

AND WHEREAS Chapter 17.20.080 of the Town Municipal Code requires a *side yard setback* to be ten feet, and the *applicant* is asking for a variance of seven feet from the code;

WHEREAS this Board, at its March 1, 2005 meeting, reviewed this *application* and recommended denial of the *application* as the existing garage was constructed in violation of the Town Municipal Code;

AND WHEREAS the Zoning Board of Appeals, at its April 18, 2005 meeting, granted an Area Variance to the existing garage which was constructed in violation of the Town Municipal Code;

AND WHEREAS the *property* is adjacent to the required 100' *buffer zone* from the nearest residential *development*;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;



THEREFORE BE IT RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can benefit be achieved by other means feasible to the *applicant*?  
Qualified no.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
Yes.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variance would be based on extenuating circumstances of this particular *lot* and recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY SITE PLAN  
TAX PARCEL #58.03-1-53**

Fleisher described and reviewed the proposed resolution and explained that Chuck Coons, Director of Building Inspection and Code Enforcement, sent a letter to the *applicant* stating the Planning Board's concerns and changes the *applicant* may want to consider. The *applicant* replied agreeing to some of the changes. Fleisher introduced Mr. William Goebel of Bohler Engineering to review the changes to the Board as stated in their letter dated April 28, 2005. These changes included:

- A significant change to the access of the site,
- the signalized traffic access has been relocated,
- the revised *building* elevations with additional architectural features,
- additional landscaped islands, and a
- reduction of 15 *parking* spaces.

Mr. Goebel stated that Bohler Engineering has delivered a Traffic Report to the Laberge Group, *Consultant* for the Town for their review. He commented that the requested change for installing light poles of lesser height would not allow the necessary for security; therefore, more poles would be required. This would change the landscaping, but because the *property* is 4 – 6 feet lower than the highway, the height of the poles would not be as noticeable.

Mr. Goebel answered the following questions and comments:

- Esty asked if the Laberge Group replied regarding the Traffic Report.
  - No. John Moore, attorney for the *applicant* commented that they have received a reply from Tim Von Neida, the Commissioner of Department of Transportation.
- Fleisher commented that the signalized traffic light is proposed to be located so that it could be extended to Fisherville Road. He asked Goebel if the proposed *parking* has been reduced by 15 *parking* spaces.
  - Yes.
- Younge asked how many light poles are proposed.

- Approximately 25 light poles.
- Fleisher asked what is the proposed grade at the ingress/egress.
  - 4 – 5% at the most.
- Masler asked what is the proposed maximum height of the *building*.
  - The proposed *building* is to be 26.8 feet on front side with 35 feet peaks.
- Masler asked if a 53-foot truck could turn around within the proposed area.
  - Yes, truck computer generated templates were used to verify.
- Piersimoni inquired about the requested fire hydrants that were referenced in the letter from the involved fire district.
  - Right now only a water service is available; however, if requested the *developer* can provide hydrants.
- Muir asked if there are proposed wall mounted fire hose connections.
  - There would be siamese connections, at least two in the front, two in the back.
- Esty inquired as to any further discussions with the adjoining *property owner* concerning a service *road* connection.
  - The option is always open.
- Piersimoni inquired about the signage. Fleisher inquired about the name of the *plaza*.
  - The Directory *sign*, to be located at the signalized intersection, is for the Big Box, sub-anchor, and six separate panels for future *tenants*, and
  - at the western end of the *property* is just for the Big Box *tenant*,
- Piersimoni was asked to convey for Ormiston, who was not able to be here tonight, would like to see the speed limit lowered in that area.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P32-2005**  
**DALRYMPLE GRAVEL/**  
**COMMERCIAL NET LEASE REALTY SERVICES**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #58.03-1-53**

Resolution by: Muir

Seconded by: Piersimoni

WHEREAS as this Board has received an *application* from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision approval* of a *retail mall development* to be located on tax *parcel* #58.03-1-53;

AND WHEREAS the *property* is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *property* is currently owned by Dalrymple Gravel and Contracting Company, Inc.;

AND WHEREAS the *applicant* proposes to construct a shopping center consisting of 167,000 square feet of *retail* space and a separate 5000 square foot *building* for *restaurant use*;

AND WHEREAS the *applicant* has submitted the following documentation:

- Site *Development* plan, Project #B040601, dated 2/25/05,
- *Planning and Zoning Narrative*,
- Stormwater Management Report prepared by Bohler Engineering dated March 7, 2005,
- Traffic Impact Study prepared by Creighton Manning Engineers dated March 7, 2005,
- Department of Environmental Conservation Notice of Intent (NOI) for a SPDES Permit,
- *Sign* Plan dated 2/25/05,

- *Subdivision* Plat for the division of lands being conveyed to Commercial Net Lease Realty Services, Inc., prepared by Weiler Associates, Job #13348.04, dated March 7, 2005;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* as shown on a *survey* map by Weiler Associates, job #13348.04 dated March 3, 2005 and revised March 7, 2005, to create the following two *parcels*:

- *Parcel 1* being 12.092 acres, which will contain the Big Box *retail* store,
- *Parcel 2* being 6.589 acres, which will contain the balance of the *retail development* and the *restaurant*;

AND WHEREAS *Parcel 1* will be sold to the Big Box *tenant* upon completion of the *development*;

AND WHEREAS at the previous meeting of April 12, 2005 this Board, in discussion with the *developer*, and after receiving preliminary comments from the Laberge Group, *consultant* for the Town, stated its concerns with the proposed *site plan*, and the Director of Building Inspections and Code Enforcement sent a letter to the *applicant* dated April 18, 2005, summarizing this Board's comments in relation to the original *site plan*;

AND WHEREAS this Board has received a revised *site plan* as shown on a map by Bohler Engineering, Project # BO40601, dated April 28, 2005 showing the following revisions:

- Westerly access *drive* has been relocated further east approximately 250 feet from the existing traffic signal at the Lowe's entrance and converted from a right-in only to a right-in/right-out access *drive*,
- Proposed signalized entrance has been relocated further east to provide future connection to Fisherville Road,
- Easterly access *drive* has been converted from an unsignalized intersection to a right-in/right-out access *drive*,
- The number of *parking* spaces has been reduced from 804 to 789 to provide landscaped islands in the *parking lot*,
- The *building* façade has been modified to provide a less-linear look;

AND WHEREAS in a letter dated April 19, 2005, the Big Flats Fire Department requested multiple fire hydrants be installed both in front and rear of the *building* to facilitate fire protection;

AND WHEREAS in a letter dated April 25, 2005, the NYS Department of Transportation (NYSDOT) stated no objection to the Town of Big Flats Planning Board being Lead Agency for SEQR review. However, NYSDOT requested to be kept informed of the progress to determine any potential impacts to the highway system;

AND WHEREAS in a letter dated April 25, 2005, the Chemung County Soil and Water Conservation District offered the following:

- A National Wetlands Inventory (NWI) map generated by the U.S. Department of Interior's Fish & Wildlife Service showing a wetland at the rear of the proposed site,
- Encouraged the Town to be certain the proper permits are obtained for the site and that the "soils in area have the correct properties (such as strength) to handle these types of *buildings* being proposed";

THEREFORE BE IT RESOLVED that this Board accepts the documents submitted as a revised *site plan*;

AND FURTHER RESOLVED that for environmental review purposes, there has been no challenge from any Involved Agency, and this Board will be the Lead Agency for SEQR;

AND FURTHER RESOLVED that this Board does not have sufficient information to make a determination of impact pursuant to 6NYCRR 617.6 of SEQRA, and therefore authorizes the Director

of Building Inspections and Code Enforcement to contact the Laberge Group to begin technical review of the revised *site plan* and this Board *shall* receive final comments from the *consultant* prior to final SEQR determination by this Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY SUBDIVISION PLAT  
TAX PARCEL #58.03-1-53**

Fleisher described and reviewed the proposed resolution that is in conjunction with the previous resolution. He asked the Board for questions or comments, there being none he asked for a resolution.

**RESOLUTION P33-2005  
DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY SUBDIVISION PLAT  
TAX PARCEL #58.03-1-53**

Resolution by: Masler

Seconded by: Esty

WHEREAS as this Board has received an *application* from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision approval* of a *retail mall development* to be located on tax *parcel* #58.03-1-53;

AND WHEREAS the *property* is located south of County Route 64 in the Business Regional (BR) district;

AND WHEREAS the *applicant* proposes to develop the entire 18.681 parcel, and then subdivide the parcels as follows:

- Parcel 1 being 12.092 acres will contain a 127,276± square foot *retail use*,
- Parcel 2 being 6.589 acres will contain a 40,000± square foot *retail use*, and a 5000± square foot *restaurant use*;

AND WHEREAS the subdivision line will divide the *buildings* at a common wall and along the access *drive*, and therefore the following variances will be required prior to the approval of the subdivision:

- Pursuant to Chapter 17.16.020 of the Town Municipal Code the required *side yard setback* is 15 feet. The *applicant* is requesting relief to zero to separate the *buildings* at a common wall of a *building*,
- Pursuant to Chapter 17.36.200(D) of the Town Municipal Code, a *buffer* zone is required to be free from any *structures*, *drives* and *parking* spaces. The required 15 foot *side yard* contains the *building structure*, *drives* and *parking* spaces. The *applicant* is requesting relief to zero to accommodate the *subdivision*;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

THEREFORE BE IT RESOLVED that pursuant to Chapter 17.60.070 this Board *shall* report its recommendation to the Zoning Board of Appeals;

AND FURTHER RESOLVED that this Board makes the following findings for the requested *side yard setback* variance:

- The construction of the *mall development* is consistent with other *development* in the area,
- The *development* and subsequent subdivision of the *property* for sale to a major *retail tenant* is a common practice in the *development* industry;

AND FURTHER RESOLVED this Board makes the following findings for the requested *buffer zone* variance:

- Pursuant to Chapter 17.36.200(A), the intent of the *buffer zone* is to protect adjoining *developments* from negative impacts. The entire parcel is being developed as a unit, with the site being coordinated for said *development*. The subdivision of the parcel will have no effect on the *development*;

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variances would be consistent with the planning objectives of the Town Comprehensive Plan and recommends approval of both requests by the Zoning Board of Appeals;

AND FURTHER RESOLVED that this *application* is tabled pending decision by the Zoning Board of Appeals.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

## **SUBURBAN ACRES/SOARING RIDGE ESTATES SUBDIVISION DISCUSSION**

Fleisher asked James Gensel, engineer representing the *applicant*, and Mark Watts, adjoining *property owner*, if they had arrived at an agreement. Gensel replied not totally. Fleisher stated that he wanted a yes or no answer from both parties. Mark Watts stated that there is no agreement. Gensel explained that the *road* has been extended, but not to the Mark Watts' *property*. Gensel distributed two drawings:

- Sheet #1 is proposing to extend the *right-of-way* to the *property* line and extending the *road* 100 feet short of the *property* line. and
- Sheet #2 is an overlay of the two sheets combined.

Watts replied that the *road* would be constructed short of the *property* line. Gensel commented that the *applicant* would agree if the Town requires the *road* to be constructed to the *property* line. However, the Town would have to maintain an extra 100 feet of *road* for no purpose. The drawings presented to the Director of Building Inspection and Code Enforcement tonight will be presented to the Department of Public Works in anticipation of a Public Hearing at the next meeting. Fleisher commented that the technical evidence would be reviewed and if necessary the Town's *consultant* would be included.

John Mustico, attorney for the adjoining *property owner* commented that Mark Watts has hired Dave Young, engineer for Bergmann Associates, as a *consultant* to review the project; to be completed by May 24, 2005.

In answer to Mr. Mustico previous questions, Fleisher read a definition of developable land and as to a

conflicting opinion as to the Planning Board waiving Town law. Fleisher instructed Mr. Mustico to read Subdivision Chapter 16 of the Town Municipal Code first to determine if a *road* is going to be built. If a *road* is to be built then you have to apply the standards for *roads* in Chapter 12. Mr. Mustico expressed his disagreement.

Fleisher ended the discussion and moved to the next *application*.

**AMISH WORKSHOP/  
FRITZ MEYERS  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-62**

Fleisher reviewed the proposed resolution and completed a Short Environmental Assessment Form. He asked the Board for questions or comments.

Younge asked where and how many storage sheds are going to be displayed. Fleisher replied that the Board could condition the amount of sheds displayed in the final approval. Esty commented on a similar display in another Town that he felt was not aesthetically pleasing. Muir commented that the *property* is a secluded *property* and the sheds and lawn furniture would be seasonal. Younge commented that she would visit the site to satisfy her concerns.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P34-2005  
AMISH WORKSHOP/  
FRITZ MEYERS  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-62**

Resolution by: Piersimoni

Seconded by: Muir

WHEREAS this Board has received an *application* from Arthur J. Bill, *owner* of Amish Workshop, for *site plan* approval for a *retail use* on Tax Parcel # 66.02-2-62, as shown on a sketch plan dated April 19, 2005;

AND WHEREAS the *property* is located at 99 Canal Street in the Town Center (TC) district;

AND WHEREAS the *applicant* has submitted a letter from the *owner* of the *property*, Fritz Meyers, granting permission for the *applicant* to pursue *site plan* approval;

AND WHEREAS the *applicant* proposes to sell hardwood flooring and pre-built storage sheds;

AND WHEREAS the *applicant* proposes the following:

- Storage sheds and Amish lawn furniture will be displayed on the leased portion of the parcel,
- The existing 20' x 28' *building* will be used for the display and sale of hardwood flooring,
- The existing *parking area* will be used,
- A freestanding illuminated *sign* not to exceed 40 square feet will be installed on two existing posts that previously supported a business *sign*,
- One *sign* will be mounted on the façade of the store,
- The existing lights on the *building* will be used,
- Hours of operation will be normal daily *retail* hours;

AND WHEREAS the adjoining *property owners* have been notified of this *application*;

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 17;

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart, Ormiston

**COMMENTS:**

- Piersimoni asked if the Board has received the Drainage Report back from Soaring Ridge. Fleisher replied "Not that he is aware of."
- Esty commented that if Commercial Net Lease Inc. submits another traffic plan, would the Board have to approve another traffic plan

Meeting adjourned at 8:15 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 5/25/2005 10:29 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MAY 24, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "C"  
Town Community Center

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Lee Younge  
James Ormiston  
Alternate - Lance Muir

Absent - Bill Stewart

Guests: Dave Shoen, Jamie Gensel, Dave Young, John Mustico, Mark Watts, Arthur Bill, Greg Lamb, Joey Pelot, Carol Christian, Mary J & Al Schillinger, Lee Cole, Jack Fenzel, Jack Moore, Vicki Olmstead, Tim Olmstead

Staff: Mary Ann Balland, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of May 3, 2005. There being none, Younge made a motion to accept and approve the minutes of May 3, 2005, seconded by Esty. Stewart was absent. Fleisher, Piersimoni, Masler, Esty, Younge, Ormiston and Muir were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Big Flats Volunteer Fire Company, Inc. *Subdivision* Preliminary Plat.

**PUBLIC HEARING**

**6:31 P.M. BIG FLATS VOLUNTEER FIRE COMPANY, INC.  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #66.02-2-51**

Chair Fleisher called the Public Hearing to order at 6:39 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None



Fleisher closed the Public Hearing at 6:40 P.M. and reconvened the business portion of the regular meeting.

**BIG FLATS VOLUNTEER FIRE COMPANY, INC.  
SUBDIVISION FINAL PLAT  
TAX PARCEL # 66.02-2-51**

Fleisher reviewed and described the proposed resolution that would finalize this *subdivision* application. He asked for questions or comments, there being none he asked for a resolution.

**RESOLUTION P35-2005  
BIG FLATS VOLUNTEER FIRE COMPANY, INC.  
SUBDIVISION FINAL PLAT  
TAX PARCEL # 66.02-2-51**

Resolution by: Esty  
Seconded by: Masler

WHEREAS this Board has received an application from Big Flats Volunteer Fire Company, Inc., owners of tax parcel # 66.02-2-51, for *subdivision* approval as shown on a drawing prepared by Kenneth Decker, job #6-05-3229, dated March 25, 2005;

AND WHEREAS the *property* is located at 485 Maple Street in the Town Center (TC) *district*;

AND WHEREAS the *applicant* proposes to subdivide a parcel consisting of 1.026 acres to create the following two parcels:

- Parcel B being 0.481 acres (20,952 square feet) – containing a single *family dwelling* and detached garage
- Parcel B-1 being 0.545 acres (23,740 square feet) containing vacant land;

AND WHEREAS the *applicant* proposes to sell Parcel B to be used for a business *use*;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule required for a subdivided parcel in the TC *district* is 10,000 square feet for a parcel with a business *use*;

AND WHEREAS the *applicant* proposes to merge Parcel B-1 with Tax Parcel 66.02-2-57, identified as Parcel A, being 3.358 acres and containing the fire station and accessory *structures*, to create one parcel being 3.903 acres;

AND WHEREAS the Chemung County Planning Board, at its April 27, 2005 meeting, returned the application for local determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the final *subdivision* plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Muir, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Suburban Acres Soaring Ridge Estates *Subdivision* Preliminary Plat.

## **PUBLIC HEARING**

### **6:33 P.M. SUBURBAN ACRES SOARING RIDGE ESTATES**

#### ***SUBDIVISION PRELIMINARY PLAT***

#### **TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Chair Fleisher called the Public Hearing to order at 6:41 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

- IN FAVOR: James Gensel of Fagan Engineers representing the *applicant* distributed a revised drawing showing:
- The proposed *road* to be extended between *lots* 14 & 15 into the Watt's *property*,
  - The existing intermittent *streams*/swales with
    - Three major drainage ways that are proposed to be divert the efferent off the site with a storm sewer system down *drive* "C" and then retain into the existing swale,
    - The *applicant* is working with the County, the Chemung County Highway Department, the Laberge Group and Larry Wagner, Big Flats Commissioner of Public Works on the concept of conveyance for getting water across the site.
  - The public water system is being resolved with the attorney for the Town.

AGAINST: Joey Pelot, resident of Brookside Circle, commented that water runs downhill into backyards.

COMMENTS: Greg Lamb had a procedural question and asked the Board as to how to receive an answer. Fleisher replied that he would have to address the *applicant* privately.

Fleisher closed the Public Hearing at 6:53 P.M. and reconvened the business portion of the regular meeting.

### **SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**

#### ***SUBDIVISION PLAT***

#### **TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Fleisher reviewed and described the proposed resolution. He expressed the Board's appreciation for the parties involved reaching an amiable agreement to the *road* extension. The questions and comments of the Board's Environmental Assessment Form Part 2 review:

- Fleisher asked Gensel for the maximum slope percentage of the site. Gensel replied 20%.
- Esty asked if an archeological study would be required. Gensel replied that a New York State Office of Parks, Recreation and Historic Preservation (SHPO) Study is only required if it is a government action. It is a private action; therefore, the Board has the right to decide as to whether to go to SHPO. Coons commented that he spoke with SHPO today.
- Younge suggested that the drainage determination be considered moderate and it to be mitigated. She asked Gensel if the proposed storm water plan would alleviate the existing water problems for the present residents. Gensel replied that they are working with the

residents to address their concerns. He explained the techniques that they are using to prevent future drainage concerns for the existing and future residents.

- Masler asked if the homeowners would be informed as to the need for the swales are remain in as designed. Gensel replied that a proposed *easement* is to be dedicated to the Town.
- Fleisher stated that the Board does not have sufficient information to complete the environmental review regarding drainage and that the Director of Building Inspection and Code Enforcement *shall* meet with the *applicants* to review comments by the Laberge Group and Larry Wagner, Big Flats Commissioner of Public Works, to resolve the concerns and then report to this Board at its June 14, 2005 meeting.

Fleisher asked for questions or comments on the resolution.

- Esty commented that he would like SHPO's comments to be included in the June 14, 2005 meeting.
- Gensel commented that Larry Wagner, Big Flats Commissioner of Public Works has expressed issues but has not conveyed the issues in writing.
- Younge asked what issues were received from the Chemung County Soil and Water Conservation Department. Gensel replied, to ensure proper erosion control and the conveyance of water from the drainage system.
- Piersimoni questioned the dedication of the *road* before drainage issues are completed. Art Ambrose of Barrington Associates replied that they have worked closely with Wagner on the extension of the *road* and have tried to exceed the *road building* and drainage requirements by the Town. This four to five year project consists of up to \$700,000 homes and it is to the *developer's* benefit to ensure no problems exist.
- Esty asked the resident in attendance to express their concerns. Ms. Joey Pelot replied that presently the water is still draining into the existing *front yards*. Ambrose replied that the problem is being remedied after the utility company had altered the swale.
- Muir recommended the drainage be remedied from the source.
- Fleisher asked where the Brookside Circle water is originating. Gensel replied that the utility company disturbed the detention basin.
- Younge asked when the *road* and detention pond is expected to be dedicated to the Town. Gensel replied that the roadway, detention basin and the water main are in the process of being dedicated to the Town. Younge asked Gensel if these dedications become the Town's problem during the proposed five-year completion timeline, and what protection would the Town have. Gensel replied that the Town could stop the builder from *building* the rest of the *road* in addition to requiring a Bond. Ambrose asked if it would be better to leave the drainage problems as is or to use the best knowledge to develop the site.

The proposed resolution tables the application for review of any concerns by the Big Flats Commissioner of Public Works, the LaBerge Group, SHPO, and the Chemung County Planning Board. Esty asked the *developer* what the impact of a three-week delay has on the project. Ambrose replied that the *road* needs to be started to give Wagner a better vision of the location of the *roads*. There being no further questions or comments, Fleisher asked for a resolution.

#### **RESOLUTION P36-2005**

#### **SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**

#### **SUBDIVISION PRELIMINARY PLAT**

#### **TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project

#2004.063, dated October 21, 2004, revised January 3, 2005, revised February 17, 2005, revised dated March 14, 2005; revised May 13, 2005;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* has submitted a topography map dated April 5, 2005, showing contours of the adjacent parcels;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*:

- *Steep slopes*,
- *Large trees* and wooded areas,
- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk and Density Control Schedule* of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3,000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

AND WHEREAS the *applicant* has met with the *Consultant* for the *Town* (Laberge Group) regarding the drainage of the site and the *consultant* is reviewing the proposed drainage analysis;

AND WHEREAS the Town of Big Flats Park Commission, as references in a letter from Larry Wagner, Commissioner of public Works for the Town of Big Flats dated March 15, 2005, requested payment-in-lieu- of parkland for the *subdivision*;

AND WHEREAS the Laberge Group in a letter dated April 29, 2005, made comments on the review of the drainage for the project;

AND WHEREAS James Gensel of Fagan Engineers, engineer for the *applicant*, made reply to the comments from the Laberge Group;

AND WHEREAS Peter A. Lent of the New York State Department of Environmental Conservation, in a letter dated April 25, 2005 offered comments on the project with emphasis on storm water management;

AND WHEREAS Mark Watts of Chemung County Soil and Water Conservation *District*, in a letter dated April 25, 2005, stated concerns with the storm water management;

AND WHEREAS the *applicant* and the adjacent *property owner* have agreed to locate the extension of *drive A*, now known as Soaring Ridge Way, along the 950 contour line to provide suitable connection for future *development* of the adjacent parcel;

THEREFORE BE IT RESOLVED that this Board accepts the proposed location of the extension of Soaring Ridge Way and that the *applicant shall* submit a revised document showing the new location;

AND FURTHER RESOLVED for environmental review purposes that this Board makes the following findings based on the completed EAF Part 2:

1. **IMPACT ON LAND:** This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of single family dwellings, *drives*, utilities and Storm water Management System.
2. **IMPACT ON WATER:** This site is currently wet with natural springs and hillside runoff. Sing Sing Creek, a protected trout *stream*, is located on the site. Stormwater management is of great concern.
3. **IMPACT ON AIR:** This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. **IMPACT ON PLANTS AND ANIMALS:** No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. **IMPACT ON AGRICULTURAL LAND RESOURCES:** Prime agricultural resources do not exist on the site.
6. **IMPACT ON AESTHETIC RESOURCES:** The *development* at the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial *uses*.
7. **IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES:** The State Historic Preservation Office (SHPO) has been notified of the project; comment has not yet been received regarding said project.
8. **IMPACT ON OPEN SPACE AND RECREATION:** Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. **IMPACT ON CRITICAL ENVIRONMENTAL AREAS:** There are no critical environmental areas located in the *Town*.
10. **IMPACT ON TRANSPORTATION:** No impacts identified.
11. **IMPACT ON ENERGY:** This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. **NOISE AND ODOR IMPACTS:** The project does not include an activity that exceeds the noise restrictions of the *Town Municipal Code*.
13. **IMPACT ON PUBLIC HEALTH:** There are no identified impacts associated with the residential *use*.
14. **IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD:** The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

AND FURTHER RESOLVED that this Board does not have sufficient information to complete the environmental review and therefore makes no finding regarding same;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of a

County *right-of-way* and public water supply.

AND FURTHER RESOLVED that the Director of Building Inspection and Code Enforcement *shall* meet with the *applicant* to review the comments by the Laberge Group and Larry Wagner, Town of Big Flats Commissioner of Public Works, to resolve concerns identified therein, and report made to this Board for the June 14, 2005 meeting.

CARRIED: AYES: Younge, Ormiston, Fleisher, Piersimoni, Muir

NAYS: Esty, Masler

ABSTAIN: None

ABSENT: Stewart

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY *SITE PLAN*  
TAX PARCEL #58.03-1-53**

Fleisher reviewed and described the proposed resolution. The Board reviewed the Environmental Assessment Form Part 2. Fleisher asked the Board for questions or comments:

- Younge commented that during a previous meeting the *applicant* indicated that the “Big Box” would not be using salt on the their *parking area*, but considering the close proximity to the Town’s well, she asked how this is to be enforced if a future *tenant* were to obtain the site? Fleisher replied that a condition be placed on the final approval.
- Muir commented that after walking the site he is concerned with any potential contamination.
  - There appears to be a detention overflow to something that has not been identified on the drawings,
  - Location of the site is down *stream* of the *aquifer* flow.
- Coons commented that the drainage is slow and that the engineers are aware of the problems and are working on them.
- John Moore, attorney for the *applicant*, questioned the wetland on the site. Fleisher replied that it has been identified; therefore, it needs to be clarified. Moore commented that a new *site plan* has been submitted to Larry Wagner, Big Flats Commissioner of Public Works addressing his concerns.

There being no additional questions or comments, Fleisher asked for a resolution.

**RESOLUTION P37-2005  
DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY *SITE PLAN*  
TAX PARCEL #58.03-1-53**

Resolution by: Esty

Seconded by: Muir

WHEREAS as this Board has received an application from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision* approval of a *retail mall development* to be located on tax *parcel* #58.03-1-53, as shown on a plan from Bohler Engineering;

AND WHEREAS the *property* is located on County Route 64 east of Chambers *Road* in the Business Regional (BR) *district*;

AND WHEREAS the *property* is currently owned by Dalrymple Gravel and Contracting Company, Inc.;

AND WHEREAS the *applicant* proposes to construct a shopping center consisting of 167,000 square feet of *retail* space and a separate 5000 square foot *building* for *restaurant use*;

AND WHEREAS the *applicant* has submitted the following documentation:

- Site *Development* plan, Project #B040601, dated 2/25/05, revised 4/28/05,
- *Planning and Zoning Narrative*,
- Stormwater Management Report prepared by Bohler Engineering dated March 7, 2005,
- Traffic Impact Study prepared by Creighton Manning Engineers dated March 7, 2005,
- Department of Environmental Conservation Notice of Intent (NOI) for a SPDES Permit,
- *Sign Plan* dated 2/25/05,
- *Subdivision* Plat for the division of lands being conveyed to Commercial Net Lease Realty Services, Inc., prepared by Weiler Associates, Job #13348.04, dated March 7, 2005;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* as shown on a *survey* map by Weiler Associates, job #13348.04 dated March 3, 2005 and revised March 7, 2005, to create the following two *parcels*:

- *Parcel 1* being 12.092 acres, which will contain the Big Box *retail* store,
- *Parcel 2* being 6.589 acres, which will contain the balance of the *retail development* and the *restaurant*;

AND WHEREAS *Parcel 1* will be sold to the Big Box *tenant* upon completion of the *development*;

AND WHEREAS at the previous meeting of April 12, 2005 this Board, in discussion with the *developer*, and after receiving preliminary comments from the Laberge Group, consultant for the Town, stated its concerns with the proposed *site plan*, and the Director of Building Inspections and Code Enforcement sent a letter to the *applicant* dated April 18, 2005, summarizing this Board's comments in relation to the original *site plan*;

AND WHEREAS this Board has received a revised *site plan* as shown on a map by Bohler Engineering, Project # BO40601, dated April 28, 2005 showing the following revisions:

- Westerly access *drive* has been relocated further east approximately 250 feet from the existing traffic signal at the Lowe's entrance and converted from a right-in only to a right-in/right-out access *drive*,
- Proposed signalized entrance has been relocated further east to provide future connection to Fisherville Road,
- Easterly access *drive* has been converted from an unsignalized intersection to a right-in/right-out access *drive*,
- The number of *parking* spaces has been reduced from 804 to 789 to provide landscaped islands in the *parking lot*,
- The *building* façade has been modified to provide a less-linear look;

AND WHEREAS in a letter dated April 19, 2005, the Big Flats Fire Department requested multiple fire hydrants be installed both in front and rear of the *building* to facilitate fire protection;

AND WHEREAS in a letter dated April 25, 2005, the NYS Department of Transportation (NYSDOT) stated no objection to the Town of Big Flats Planning Board being Lead Agency for SEQR review. However, NYSDOT requested to be kept informed of the progress to determine any potential impacts to the highway system;

AND WHEREAS in a letter dated April 25, 2005, the Chemung County Soil and Water Conservation *District* offered the following:

- A National Wetlands Inventory (NWI) map generated by the U.S. Department of Interiors Fish & Wildlife Service showing a wetland at the rear of the proposed site,

- Encouraged the Town to be certain the proper permits are obtained for the site and that the “soils in area have the correct properties (such as strength) to handle these types of *buildings* being proposed”;

AND WHEREAS the Chemung County Commissioner of Public Works in a letter dated April 26, 2005 stated “Obviously many details remain to be worked out but this most recent *site plan* appears to be acceptable”;

AND WHEREAS the Laberge Group in a letter dated May 18, 2005 submitted review comments for the project;

AND WHEREAS the Chemung County Planning Board at its May 19, 2005 meeting recommended approval subject to the *applicants’* satisfaction of all required permit approvals, and subject to any additional approval conditions considered warranted by the Town of Big Flats Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documents submitted as a revised *site plan*;

AND FURTHER RESOLVED for environmental review purposes that this Board makes the following findings based on the completed EAF Part 2:

1. **IMPACT ON LAND:** This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of *buildings, drives, parking lots*, utilities and Storm water Management System. The project area is located in a commercial business *district*. The *applicant* is proposing not to exceed the maximum allowable *lot coverage* of 70% pursuant to the *Town Municipal Code*. There are no significant slopes on the site. The water table is in excess of three feet from the ground surface. There are no unique or unusual landforms.
2. **IMPACT ON WATER:** There is a body of water on site that has been identified on the National Wetlands Inventory map. Modifications have been made to the watercourse. A stormwater management plan has been submitted by the *applicant* and is currently under review by the consultant for the Town. A public water well owned by the Town of Big Flats is located adjacent to this site. There is great concern about potential contamination of the public water supply by *use* of chemical treatment on the *parking lot* and vegetation.
3. **IMPACT ON AIR:** This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. **IMPACT ON PLANTS AND ANIMALS:** No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. **IMPACT ON AGRICULTURAL LAND RESOURCES:** Prime agricultural resources do not exist on the site.
6. **IMPACT ON AESTHETIC RESOURCES:** The *development* at the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial *uses*.
7. **IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES:** The State Historic Preservation Office (SHPO) has been notified of the project; comment has not yet been received regarding said project. The site has been modified by filling and excavation activities.



8. **IMPACT ON OPEN SPACE AND RECREATION:** Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. **IMPACT ON CRITICAL ENVIRONMENTAL AREAS:** There are no critical environmental areas located in the *Town*.
10. **IMPACT ON TRANSPORTATION:** The project proposes three access points. Only one access will be a full movement signalized intersection. The signal will be coordinated by the *applicant* with the existing signals at Lowe's and CR64/Chambers Road. Tim Von Neida, Chemung County Commissioner of Public Works, commented that the traffic management plan will work as presented. The consultant for the Town will review and comment on the final traffic plan regarding turning lanes and signalization.
11. **IMPACT ON ENERGY:** This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. **NOISE AND ODOR IMPACTS:** The project does not include an activity that exceeds the noise restrictions of the *Town Municipal Code*.
13. **IMPACT ON PUBLIC HEALTH:** There are no chemicals to be used on site in quantities that would identify a concern; however, potential long term *use* of chemicals could have a detrimental effect on the public water supply, as identified above.
14. **IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD:** The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

AND FURTHER RESOLVED that this Board does not have sufficient information to complete the environmental review and therefore makes no finding regarding same;

AND FURTHER RESOLVED that the Director of Code Enforcement and Building Inspections *shall* meet with the *applicant* to review the comments by the Laberge Group and Larry Wagner, Town of Big Flats Commissioner of Public Works, to resolve concerns identified therein, and report made to this Board for the June 14, 2005 meeting.

CARRIED: AYES: Younge, Ormiston, Fleisher, Masler, Piersimoni, Esty, Masler

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY SUBDIVISION PLAT  
TAX PARCEL #58.03-1-53**

Fleisher reviewed and described the proposed resolution. The Board completed the Short Environmental Assessment Form, issued a negative declaration, and set a Public Hearing. Fleisher asked for questions or comments:

- John Moore, Attorney for the *applicant* asked if the Public Hearing could be scheduled at the next Planning Board meeting. Esty asked what requirements are necessary to delay the Public Hearing to July. Coons replied that the County Planning Board has 30-days to review and respond to the application. The Board agreed to set the Public Hearing for the June 14<sup>th</sup> meeting.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P38-2005  
DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
PRELIMINARY SUBDIVISION PLAT  
TAX PARCEL #58.03-1-53**

Resolution by: Muir

Seconded by: Ormiston

WHEREAS as this Board has received an application from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision* approval of a *retail mall development* to be located on tax parcel #58.03-1-53;

AND WHEREAS the *property* is located south of County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* proposes to develop the entire 18.681 parcel, and then subdivide the parcels as follows:

- Parcel 1 being 12.092 acres will contain a 127,276± square foot *retail use*,
- Parcel 2 being 6.589 acres will contain a 40,000± square foot *retail use*, and a 5000± square foot *restaurant use*;

AND WHEREAS the *subdivision* line will divide the *buildings* at a common wall and along the access *drive*, and therefore the following variances will be required prior to the approval of the *subdivision*:

- Pursuant to Chapter 17. 16.020 of the *Town Municipal Code* the required *side yard setback* is 15 feet. The *applicant* is requesting relief to zero to separate the *buildings* at a common wall of a *building*,
- Pursuant to Chapter 17.36.200(D) of the *Town Municipal Code*, a *buffer zone* is required to be free from any *structures*, *drives* and *parking spaces*. The required 15 foot *side yard* contains the *building structure*, *drives* and *parking spaces*. The *applicant* is requesting relief to zero to accommodate the *subdivision*;

AND WHEREAS the Zoning Board of Appeals, at its May 16, 2005 meeting, granted both the *side yard setback* and *side yard buffer* variances and made the following findings regarding the same:

- The variances *shall* apply to both proposed parcels created by *subdivision* of the land,
- Failure of the *applicant* to gain *site plan* and *subdivision* approval, or the failure of the *applicant* to commence construction within one year, *shall* cause the variances to become null and void,
- Chemung County Planning Board *shall* review and comment favorably on the application;

THEREFORE BE IT RESOLVED that this Board accepts the documents submitted in this application as a Preliminary Plat;

AND FURTHER RESOLVED that this Board accepts the findings of the Zoning Board of Appeals for the variances granted to permit the *subdivision* line to be along the common wall of a *building*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board

is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for June 14, 2005.

CARRIED: AYES: Piersimoni, Muir, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Fleisher reviewed and described the proposed resolution that included the decision by the Zoning Board of Appeals to approve the existing *building*. However, the *signs* were approved with conditions. The Board completed the Short Environmental Assessment Form and issued a negative declaration. Fleisher asked the Board for questions or comments:

- Piersimoni inquired as to the determination regarding the message board *sign*. Coons replied that the final resolution *shall* reflect the conditions.
- Esty inquired as to the time schedule of the *sign* that would reflect the seasonal products. Coons replied that the *applicant's* schedule proposes to advertise products at individual timeframes over the entire year (12- months).
- Fleisher questioned if the Planning Board is bound by the conditions and variances approved by the Zoning Board of Appeals.

Fleisher asked for further questions or comments. There being none, he asked for a resolution.

**RESOLUTION P39-2005  
WELLES FAMILY TRUST/  
GILES FARM MARKET  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.02-1-2.111**

Resolution by: Ormiston

Seconded by: Masler

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *property* is owned by the Welles *Family* Trust;

AND WHEREAS the *applicant* has submitted a letter dated January 17, 2005, from Jonathan Welles, Trustee for the Welles Trust, identifying that the *applicant* is currently operating a business on the *property* under the terms of a lease agreement;

AND WHEREAS the *applicant* has operated the business as a *Roadside Stand* and now wishes to expand the operation, and said expansion will constitute a new *use*, namely a *Farm Market*;

AND WHEREAS the *Town Board*, at its June 23, 2004 meeting, adopted Local Law #2, 2004, which defines *Farm Market* as follows:

*Farm Market. A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities.*

AND WHEREAS the *applicant* has constructed a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing *building*;

AND WHEREAS pursuant to Resolution P73-2004, the following is shown in the revised *site plan*:

- Location of the existing 32' x 32' *building* housing the Maple Valley Farm Market
- Location of the proposed 20' x 32' addition to the existing *building*
- Location of 20 *parking* spaces
- Location of the split-rail *fence* to delineate the 40' wide entrance *drive*
- Location of two portable bathroom facilities
- Location of a freestanding *sign* along County Route 64
- Location of an existing 80 square foot freestanding *sign* along New York State Route 17/I-86
- Location of portable *sign* along New York State Route 17/I-86 affixed to a farm wagon that will be moved around the *property* on occasion

AND WHEREAS there currently exists a dusk-to-dawn pole light;

AND WHEREAS landscaping will be accomplished by *use* of seasonal decorations in the display in front of the *building*;

AND WHEREAS the *applicant* currently disposes of waste product by removal from site or reintroduced into the farm fields, and therefore no dumpster is required;

AND WHEREAS the Zoning Board of Appeals, at its April 18, 2005 meeting, made the following findings:

- An Area Variance was approved to permit the existing *building* to remain as constructed one foot closer to the side *property* line than permitted,
- A variance was approved to permit the off-*lot* freestanding *sign* to remain adjacent to NYS Route 17/I86. Due to the uniqueness of this operation and its unique location between two major

highways, and the fact that the leased land does border both highways, this Board grants a variance to permit the freestanding *sign* to remain subject to the following conditions:

- The *sign shall* promote the farming operation and the products grown for the associated farm market,
- There *shall* be no language on the *sign* that promotes the farm market operation,
- The size of the *sign* is permitted to be no more than 80 square feet,
- The County of Chemung Planning Board *shall* review and comment favorably on the application.
- The variance request for the off-lot portable *sign* was tabled pending further documentation submission by the *applicant*;

AND WHEREAS this Board tabled the application pending clarification from the Zoning Board of Appeals of the conditions of the freestanding *sign* and pending final decision of the off-lot portable *sign*;

AND WHEREAS the Zoning Board of Appeals, at its May 16, 2005 meeting, approved the off-lot portable *sign* with the following conditions:

- The maximum size of the “Buy Beef and Pork Local” *sign shall* be no greater than 8-foot by 16-foot per the *applicant’s* submitted time schedule,
- All other *signs shall* be no greater than 40 square feet,
- Per submitted time schedule, *signs* 1 through 6 would be no greater than 40 square feet.
- The timetable provided by the *applicant shall* be strictly adhered to and limited to farm market operation,
- The Chemung County Planning Board *shall* review and comment favorably on the application;

THEREFORE BE IT RESOLVED that this Board accepts the findings of the Zoning Board of Appeals for the off-lot freestanding *sign* and the portable *sign*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64.

CARRIED: AYES: Younge, Ormiston, Fleisher, Masler, Piersimoni, Esty, Masler

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**AMISH WORKSHOP/  
FRITZ MEYERS  
SITE PLAN PRELIMINARY & FINAL**

**TAX PARCEL #66.02-2-62**

Fleisher reviewed and described the proposed resolution. Fleisher asked the Board for questions or comments:

- Younge suggested that a maximum number of sheds be displayed on the site and that a display time limit be set on the accessories.
- Ormiston commented that the *Town Municipal Code* does not enforce display areas in relation to *retail* and encourages that this problem be addressed.
- Esty expressed his concern as to limiting this application to a specific number of sheds and inquired as to how many models they wish to sell.
- Fleisher questioned that without considering the sizes of the sheds and asked how many styles are to be offered at this site.
  - Arthur Bill, *owner* of the business, showed several styles of sheds and explained that he proposes to display the sheds in a decent looking atmosphere. He requested a minimum of nine sheds to be displayed; however, does not plan to display lawn accessories in the winter months.
- Fleisher asked if the display sheds are to be sold.
  - Mr. Bill replied that the display sheds are to be sold at a later time.
- Muir suggested that a condition be placed stating every effort *shall* be made to keep the display area visually neat and organized.
- Ormiston suggested that a condition be added that all products be related to outdoor woodcraft furniture and sheds.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P40-2005**  
**AMISH WORKSHOP/**  
**FRITZ MEYERS**  
**SITE PLAN PRELIMINARY & FINAL**  
**TAX PARCEL #66.02-2-62**

Resolution by: Younge

Seconded by: Muir

WHEREAS this Board has received an application from Arthur J. Bill, *owner* of Amish Workshop, for *site plan* approval for a *retail use* on Tax Parcel # 66.02-2-62, as shown on a sketch plan dated April 19, 2005;

AND WHEREAS the *property* is located at 99 Canal Street in the Town Center (TC) *district*;

AND WHEREAS the *applicant* has submitted a letter from the *owner* of the *property*, Fritz Meyers, granting permission for the *applicant* to pursue *site plan* approval;

AND WHEREAS the *applicant* proposes to sell hardwood flooring and pre-built storage sheds;

AND WHEREAS the *applicant* proposes the following:

- Storage sheds and Amish lawn furniture will be displayed on the leased portion of the parcel,
- The existing 20' x 28' *building* will be used for the display and sale of hardwood flooring,
- The existing *parking area* will be used,
- A freestanding illuminated *sign* not to exceed 40 square feet will be installed on two existing posts that previously supported a business *sign*,
- One *sign* will be mounted on the façade of the store,
- The existing lights on the *building* will be used,
- Hours of operation will be normal daily *retail* hours;

AND WHEREAS the adjoining *property owners* have been notified of this application;

AND WHEREAS the Chemung County Board at its May 19, 2005 meeting stated no inter-municipal or inter-jurisdictional interests impacted; therefore, returned the application for local determination;

THEREFORE BE IT RESOLVED that this Board approves the documentation submitted as a preliminary plan and accepts the preliminary plan as a final plan;

AND FURTHER RESOLVED that the final *site plan* is approved subject to the following conditions:

- Every effort *shall* be made to keep the display area visually neat and organized,
- All products for sale be related to outdoor woodcraft furniture and sheds,
- There *shall* be no storage or display of any products in the New York State *right-of-way*.

CARRIED: AYES: Piersimoni, Muir, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**LELAND COLE  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-62**

Fleisher reviewed and described the proposed resolution to approve a second principal *dwelling unit*. The Board completed a Short Environmental Assessment Form and issued a negative declaration. Fleisher explained that either a subdivision would create a non-conforming *lot* of less than 35,000 square feet, thus requiring a variance or it would create a less desirable parcel configuration and maintain access to the rear of the *lot* from Olcott Road. He asked the Board for questions or comments:

- Esty inquired as to possible sale in the future. Mr. Leland Cole, *applicant*, replied that his mother-in-law lives on the adjoining *property*, his daughter would occupy the existing house and he intends to build a house for himself in the back; therefore, the houses would stay in the *family*.
- Younge inquired if a *road* does exist to the proposed *dwelling*. Fleisher replied that there is a *driveway*.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P41-2005  
LELAND COLE  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-62**

Resolution by: Piersimoni

Seconded by: Fleisher

WHEREAS this Board has received an application from Leland J. Cole for *site plan* approval for a second principal *dwelling unit* on Tax Parcel #66.01-1-18, being 12.014 acres;

AND WHEREAS the *property* is located at 115 Olcott Road North and is zoned Residential 1 (R1) for the first 275 feet of the *lot* which contains an existing single *family dwelling*, and the rear portion of the *lot* is zoned Rural (RU) and is proposed to contain a new single *family dwelling*;

AND WHEREAS Chapter 17.16.050(B) of the *Town Municipal Code* states "There *shall* be no more than one principal *structure* containing any *dwelling unit* on a *lot* except as *may* be approved under *site plan* review and approval";

AND WHEREAS the proposed *structure* will be located approximately 400 feet from the *road* and will share an existing *driveway*;

AND WHEREAS the topography of the land is flat for approximately 1000 feet from the *road* and the parcel becomes steeply graded at that point;

AND WHEREAS Chemung County Emergency Management Office has been contacted and indicated that a *street* number is available for this *property*;

AND WHEREAS the adjacent *property owners* have been notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Concept Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED this Board finds that due to the unusual shape of this *lot* a *subdivision* is not warranted as the *subdivision* would create either one non-conforming *lot* of less than 35,000 square feet, thus requiring a variance, or would create a less-desirable parcel configuration to maintain access to the rear of the *lot* from Olcott Road;

AND FURTHER RESOLVED that the requirements for a Final Plan are waived and the Concept Plan is accepted as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved to permit only a single-*family dwelling* as the second principal *dwelling unit* on the parcel.

CARRIED: AYES: Piersimoni, Muir, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

#### **SIMMONS-ROCKWELL**

#### **CONCEPT SITE PLAN AMENDMENT**

#### **TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Fleisher reviewed and described the proposed resolution. He asked for questions or comments:

- Coons commented that the SEQRA findings could be reopened and reviewed to ensure no changes have occurred from previous review.
- Fleisher commented that this *applicant* proposes to demolish the existing service center to add to the previously approved new service center. Gensel replied that a separate *building* would be erected.
- Younge asked Gensel to explain the differences from the original *site plan*.
  - Gensel replied that it is still a service center,
  - Traffic and drainage analyses remain the same,
  - A canopy facing the Courser *Building*,
  - A new 6" water line for the sprinkler system.



- Fleisher asked about waste oil.
- Esty asked if the dealer intends to display cars in the service area. Coons replied that the original plan was to separate the service area from the sales area. but cars will be displayed on the service side as originally proposed

Gensel added that the detention basin does not have an outlet. It infiltrates the storm water, so that no discharge goes offsite. He explained that the new service center would not be built this year. Possibly March of next year.

There being no further questions or comments, Fleisher asked for a resolution that would table this application for submission of the required documentation.

**RESOLUTION P42-2005  
SIMMONS-ROCKWELL  
CONCEPT *SITE PLAN* AMENDMENT  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Muir

Seconded by: Ormiston

WHEREAS this Board has received an application from Simmons Rockwell for *site plan* amendment approval for a service center addition on tax parcel # 67.02-1-3, -4, -16, as shown on a *site plan* from Fagan Engineers, project # 2003.060, revised 5/9/05;

AND WHEREAS the *property* is located at 784 County Route 64, being the south side of the *road*, in the Business Regional *district*;

AND WHEREAS the *applicant* received *site plan* approval pursuant to Resolution P68 - 2004, dated August 3, 2004, to construct a service center addition to enlarge the existing service center, with associated site *improvements* and *parking*;

AND WHEREAS the *applicant* is proposing to amend the approval by demolishing the existing 4017 square foot service center and construct a new 17,202 square foot service center, and to modify the *parking area* and lighting;

AND WHEREAS this Board completed its review pursuant to SEQRA, and the findings pursuant to Resolution P68 –2004 are as follows:

1. **IMPACT ON LAND:** This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of *buildings, drives, parking lots*, utilities and Storm water Management System. The project area is located in a commercial business *district*. The *applicant* is proposing not to exceed the maximum allowable *lot coverage* of 70% pursuant to the *Town Municipal Code*. There are no significant slopes on the site. The water table is in excess of three feet from the ground surface. There are no unique or unusual landforms. The site has been cleared of contaminated soil, and a report dated 7/16/04 from the United Environmental Group, Inc. has been submitted to the Environmental Protection Agency.
2. **IMPACT ON WATER:** There are no bodies of water on or near this site. A Storm Water Management Plan has been submitted for this project. Storm water will be discharged into onsite detention basins.
3. **IMPACT ON AIR:** This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. **IMPACT ON PLANTS AND ANIMALS:** No known threatened, non-threatened, or endangered species maintain a habitat on this site.

5. IMPACT ON AGRICULTURAL LAND RESOURCES: Prime agricultural resources do not exist on the site.
6. IMPACT ON AESTHETIC RESOURCES: The *development* at the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial *uses*.
7. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES: This project site does not contain any known historical and archeological resources.
8. IMPACT ON OPEN SPACE AND RECREATION: Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. IMPACT ON CRITICAL ENVIRONMENTAL AREAS: There are no critical environmental areas located in the *Town*.
10. IMPACT ON TRANSPORTATION: The proposed *building* addition will be an expansion of the service center. Traffic generated by this *use* will have a minimal impact on the surrounding *road* network. The potential confusion of customers entering the site will be mitigated by the installation of a "Service Center" *sign* at the proposed new *drive*, and the installation of a "Sales Center" *sign* at the existing *drive*. In response to Tim Von Neida, Chemung County Commissioner of Public Works, letter dated July 12, 2004, regarding minimum spacing of *drives*, the *Town* does not have local regulations pertaining to the minimum required spacing of *driveways* on *roads*.
11. IMPACT ON ENERGY: This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. NOISE AND ODOR IMPACTS: The project does not include an activity that exceeds the noise restrictions of the *Town Municipal Code*.
13. IMPACT ON PUBLIC HEALTH: The project is proposed to include the *use* of herbicides and/or pesticides in qualities and types of usage that is typical of other business areas in the *Town*.
14. IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD: The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

AND WHEREAS the adjacent *property* owners have been notified of this application;

THEREFORE BE IT RESOLVED that this Board accepts the revised *site plan* as a Concept Plan;

AND FURTHER RESOLVED that this continues to be an Unlisted Action pursuant to SEQRA, and this Board will review this project to determine if any potential adverse impacts will occur based on this revision;

AND FURTHER RESOLVED that the *applicant shall* submit further documentation pursuant to Chapters 17.32.080 and 17.36 of the *Town Municipal Code*, including but not limited to the following:

- Utility plan
- Stormwater management plan
- Location of proposed lighting
- Location of dumpster
- Proposed signage

AND FURTHER RESOLVED that this application is tabled pending submission of the required documents.

CARRIED: AYES: Piersimoni, Muir, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**COMMENTS:**

- Piersimoni asked Coons about the status of the proposed Hampton Inn. Coons stated that the plans have been reviewed and approved, but a *building permit* has not yet been issued.
- Fleisher asked Coons the status of the Lums/Donut/Subway application *site plan*. Coons replied that the Subway application was withdrawn and that a possible liquor store has been mentioned.

Meeting adjourned at 9:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 6/17/2005 11:02:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 14, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
James Ormiston

Absent - Carl Masler

Absent - Bill Stewart

Alternate – Absent - Lance Muir

Guests: Rick Hitchcock, James Gensel, Chris Schneck, Mark Watts, Clay Ambrose, Art Ambrose, Jack Moore, Rob Spiak

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of May 24, 2005. A noted correction on page 7 was made. There being no further corrections Ormiston made a motion to accept and approve the minutes of May 24, 2005, seconded by Fleisher. Masler, Stewart and Muir were absent. Fleisher, Ormiston, Piersimoni, Esty and Younge were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Commercial Net Lease Services. *Subdivision* Preliminary Plat.

**PUBLIC HEARING**

**6:31 P.M. COMMERCIAL NET LEASE REALTY SERVICES  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #58.03-1-53**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: Jack Moore, attorney for the *developer* appealed to the Board to endorse this *subdivision* approval. The variances and 12-acre *lot* was for the sole purpose of separate ownership of the 'Big Box'. The Zoning Board of Appeals have granted all the necessary variances and no problems are anticipated at the County Planning Board June 16, 2005 meeting;

AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 6:35 P.M. and reconvened the business portion of the regular meeting.

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
SUBDIVISION PLAT PRELIMINARY AND FINAL  
TAX PARCEL #58.03-1-53**

Fleisher reviewed and described the proposed resolution. There being no questions or comments, he asked for a resolution.

**RESOLUTION P43-2005  
DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
SUBDIVISION PLAT PRELIMINARY AND FINAL  
TAX PARCEL #58.03-1-53**

Resolution by: Ormiston  
Seconded by: Esty

WHEREAS as this Board has received an *application* from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision* approval of a *retail mall development* to be located on tax *parcel* #58.03-1-53;

AND WHEREAS the *property* is located south of County Route 64 in the Business Regional (BR) district;

AND WHEREAS the *applicant* proposes to develop the entire 18.681 parcel, and then subdivide the parcels as follows:

- Parcel 1 being 12.092 acres will contain a 127,276± square foot *retail use*,
- Parcel 2 being 6.589 acres will contain a 40,000± square foot *retail use*, and a 5000± square foot *restaurant use*;

AND WHEREAS the *subdivision* line will divide the *buildings* at a common wall and along the access *drive*, and therefore the following variances will be required prior to the approval of the *subdivision*:

- Pursuant to Chapter 17.16.020 of the Town Municipal Code the required *side yard setback* is 15 feet. The *applicant* is requesting relief to zero to separate the *buildings* at a common wall of a *building*,
- Pursuant to Chapter 17.36.200(D) of the Town Municipal Code, a *buffer* zone is required to be free from any *structures*, *drives* and *parking* spaces. The required 15 foot *side yard* contains the *building structure*, *drives* and *parking* spaces. The *applicant* is requesting relief to zero to accommodate the *subdivision*;

AND WHEREAS the Zoning Board of Appeals, at its May 16, 2005 meeting, granted both the *side yard setback* and *side yard buffer* variances and made the following findings regarding the same:

- The variances *shall* apply to both proposed parcels created by *subdivision* of the land,
- Failure of the *applicant* to gain *site plan* and *subdivision* approval, or the failure of the *applicant* to commence construction within one year, *shall* cause the variances to become null and void,
- Chemung County Planning Board reviewed the *application* and returned a favorable comment regarding the variances;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.
- The conditions set forth by the Zoning Board of Appeals are adopted by this Board
- The Chemung County Planning Board shall review and comment favorably on the *subdivision application*.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Esty, Young

NAYS: None

ABSTAIN: None

ABSENT: Masler, Stewart, Muir

**DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
SITE PLAN PRELIMINARY AND FINAL  
TAX PARCEL #58.03-1-53**

Fleisher reviewed and described the proposed resolution. Fleisher asked for questions or comments:

- Rob Spiak, engineer from Bohler representing the *applicant*, explained that pursuant to Larry Wagner, Big Flats Commissioner of Public Works written concerns to ensure that no drainage from the proposed site would contaminate the Town's well; therefore, Spiak explained the following revisions:
  - The *developer* procured additional land through an *easement* with Dalrymple to construct a P1 Pond, which meets New York State Department of Environmental Conservation requirements for Phase 2 storm water management.
  - The site would be raised to slope in an easterly direction to the pond, then the water is diverted into the quality treatment *structure* where the overflow goes into another retention/detention pond. All the water from the site is isolated from the existing water channel.
  - This entire pond system has one discharge point into an existing swale with a positive drainage flow.

Young asked Spiak if Laberge has reviewed the revised *site plan*.

- No, but the Big Flats Commissioner of Public Works has conditioned that no further steps be taken on the project until he and Laberge have reviewed and reviewed the plans. The plans are to be delivered this Friday.

Esty asked if a permanent *easement* has been negotiated with Dalrymple.

- The Town maintains the *easement*.

Young asked what is to be used on the *parking areas* in place of salt or chlorides for snow removal and where would the accumulated snow be placed.

- There are other means such as sand in place of salt and chloride,
- The snow would be stored away from the water basin,
- The *building* runoff will be collected in a storm sewer system.

Esty asked if the canal should overflow and fill the pond, where would the excess effluent go and who is responsible for its maintenance, especially if it overflows onto the County Road.

- The system is not able to overflow out of the pond because of the 5 feet elevation.

Coons asked if the grade of soil is to be improved at the County *right-of-way* so that it will discharge properly from the pond.

- The ditch, in our opinion, flows regularly and evenly with a minimal 1% slope. We do not anticipate any issues.

Fleisher proceeded with the completion of the Full Environmental Assessment Form that determined no significant environment impact and a Negative Declaration was issued.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P44-2005  
DALRYMPLE GRAVEL/  
COMMERCIAL NET LEASE REALTY SERVICES  
SITE PLAN PRELIMINARY AND FINAL  
TAX PARCEL #58.03-1-53**

Resolution by: Ormiston

Seconded by: Younge

WHEREAS as this Board has received an *application* from Commercial Net Lease Realty Services, Inc. for *site plan* approval and *subdivision* approval of a *retail mall development* to be located on tax *parcel* #58.03-1-53, as shown on a plan from Bohler Engineering;

AND WHEREAS the *property* is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *property* is currently owned by Dalrymple Gravel and Contracting Company, Inc.;

AND WHEREAS the *applicant* proposes to construct a shopping center consisting of 167,000 square feet of *retail* space and a separate 5000 square foot *building* for *restaurant use*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* as shown on a *survey* map by Weiler Associates, job #13348.04 dated March 3, 2005 and revised March 7, 2005, to create the following two *parcels*:

- *Parcel 1* being 12.092 acres, which will contain the Big Box *retail* store,
- *Parcel 2* being 6.589 acres, which will contain the balance of the *retail development* and the *restaurant*;

AND WHEREAS *Parcel 1* will be sold to the Big Box *tenant* upon completion of the *development*;

AND WHEREAS in a letter dated April 25, 2005, the Chemung County Soil and Water Conservation District offered the following:

- A National Wetlands Inventory (NWI) map generated by the U.S. Department of Interiors Fish & Wildlife Service showing a wetland at the rear of the proposed site,
- Encouraged the Town to be certain the proper permits are obtained for the site and that the “soils in area have the correct properties (such as strength) to handle these types of *buildings* being proposed”;

AND WHEREAS the Laberge Group in a letter dated, May 18, 2005 submitted review comments for the project;

AND WHEREAS the Chemung County Planning Board at its May 19, 2005 meeting recommended approval subject to the *applicants’* satisfaction of all required permit approvals, and subject to any additional approval conditions considered warranted by the Town of Big Flats Planning Board;

AND WHEREAS Bohler Engineering, in a letter dated June 3, 2005, responded to the letter from the *consultant* for the Town, and issued revised drawings dated May 27, 2005;

AND WHEREAS the environmental review pursuant to SEQR has not been completed due to drainage concerns, public water supply concerns, and lack of response from SHPO;

AND WHEREAS the following documentation has been received pertaining to the identified wetland:

- Letter dated June 2, 2005 from Peter A. Lent, Regional Permit Administrator from NYS Department of Environmental Conservation (DEC), stating the following:
  - There are no New York State protected *streams* or freshwater wetlands on the *property*,
  - There is a Class C *stream* on the *property*; however, any work to this *stream* will not require a DEC permit,
- Letter dated June 8, 2005 from James F. Blasting, Senior *Consultant* with Delta Environmental *Consultants*, stating the following:
  - There are no wetlands on the site, as confirmed by absence of wetland vegetation and/or features,
  - The feature shown on the NWI map was a man-made pond that has been subsequently filled;

AND WHEREAS the following documentation has been received pertaining to the archaeological significance of the *property*:

- Test Pit log dated 12/28/04 and Soil Boring samples dated 3/18/04 identifying fill material on site and native soil at depths greater than 7 feet,
- Letter dated June 2, 2005 from Peter A. Lent stating the project site is not within an archaeologically sensitive area,
- Letter dated June 6, 2005 from R. H. Dalrymple, president of Dalrymple Gravel and Contracting Company, stating that the *property* has been excavated to a depth of 9 feet for fill material, and then backfilled to the present grade,
- Letter dated June 8, 2005 from Bohler Engineering stating “there are no archaeological sensitive areas within or adjacent to this project site”, and referencing the items above;

AND WHEREAS Larry Wagner, Commissioner of Public Works, in a letter dated June 13, 2005, expressed concerns with protection of the well, *use* of salts and chlorides on site, and water supply requirements;

AND WHEREAS the Director of Building Inspections and Code Enforcement, in a letter dated June 13, 2005, stated to the *applicant's* engineer that the stormwater management plan is unacceptable due to the potential contamination of the adjacent public water supply well;

AND WHEREAS the Director of Building Inspections and Code Enforcement and the Commissioner of Public Works met with the *applicant's* engineer on June 14, 2005, to review revised plans that discharge all on-site storm water to the east end of the project site, and therefore appears to mitigate the concern about pollution of the well by moving the discharge at least 1000 feet from the well site; however, due to the late filing of the revised plan, and lack of detailed drawings, the Town cannot fully guarantee such plans accomplish the purported mitigation concerning the drainage plan;

AND WHEREAS as result of such concern referenced in the preceding paragraph, the *applicant*, by way of their authorized representative, Jack Moore, Esq., has agreed with the Town that the condition placed on the proposed approval concerning the delay in issuance of any and all permits associated with this project as set forth below, is acceptable to the *applicant* in order for the Town to ensure the stormwater drainage issue is fully mitigated;

AND WHEREAS the *applicant* has agreed to extend the water main along County Route 64 as required by the Commissioner of Public Works during the course of the meeting on June 14, 2005;



THEREFORE BE IT RESOLVED accepts the revised drawings as a Preliminary *Site Plan*;

AND FURTHER RESOLVED that this Board makes the following findings:

- The engineering for the proposed modifications to County Route 64 will be designed by the *applicant's* engineer upon final approval of the *site plan*. Such modifications will be approved by Tim Von Neida, Chemung County Commissioner of Public Works, prior to construction, and no further review by this Board is required,
- The documentation submitted pertaining to the NWI wetland designation is sufficient evidence that a wetland does not exist on this site, and no further work regarding same is required,
- The documentation submitted pertaining to the need for a Phase I archaeological study is sufficient evidence that the land has been disturbed, and this Board waives the requirement for such study;

AND FURTHER RESOLVED that this Board completes the environmental review and finds no potential significant environmental impacts and thus issues a Negative Declaration;

AND FURTHER RESOLVED that the revised drainage plans be submitted to the *consultant* for the Town for review and comment;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final Plan, and the Final Plan is approved subject to the following conditions:

1. Commencement of Work – Prior to commencement of any construction work, including earth disturbance, and prior to the issuance of any permits including but not limited to *building* permit, the *consultant* for the Town *shall* review and comment on the revised stormwater management plan and water line *improvements*, and the Commissioner of Public Works and the Planning Board chairman *shall* approve such revised *improvements* at the Commissioner of Public Works and the Planning Board chairman's unfettered discretion.
2. Drainage – The proposed stormwater management pond and system is designed to be constructed partly on the adjacent *property*. As such prior to commencement of any construction work, including earth disturbance, and prior to the issuance of any permits including but not limited to *building permit*, the *developer shall* provide the Town with a copy of the *easement* for constructing the stormwater management system on the adjacent *property*. There *shall* be no modification to such system without prior approval of the Town.
3. Salts and Chlorides – No salts or chlorides *shall* be used to treat any *drive* or *parking* surface.
4. Public Water Supply – All water lines *shall* meet or exceed Town of Big Flats specifications prior to dedication and acceptance by the Town. Further, the *applicant* is hereby advised that no water service will be authorized or provided until such time that as the formal dedication papers, related *easements* if any, and necessary surety are approved and executed by the *Town Board* and filed with the County Clerk as required by the Town
5. As-Built Drawings – As-built drawings for water lines *shall* be submitted prior to acceptance and dedication to the Town of Big Flats
6. Water District Approval – Prior to dedication and acceptance of the water supply lines by the Town, all necessary water district extensions *shall* be completed by the *applicant*. Further, the *applicant* is hereby advised that no water service will be authorized or provided until such time that as the formal district extension processes are completed.
7. Easements – All necessary *easements shall* be granted to the Town of Big Flats for required maintenance of *roads*, drainage, water lines, and related facilities.
8. Highway Work Permits – all required permits *shall* be obtained from the Chemung County Commissioner of Public Works prior to any construction in the County *right-of-way*.
9. DEC Permits – all required permits for stormwater management *shall* be obtained from DEC. A copy of the Notice of Intent and Stormwater Management Plan *shall* be submitted to the code enforcement office prior to issuance of a *building permit*.
10. Noise and Dust during Construction – The *developer shall* take reasonable precautions to prevent excessive noise and dust during construction activities. Sound levels *shall* be in compliance with Chapter 17.36.260 of the Town Municipal Code. *Roads shall* be kept free from dirt and mud.

11. Erosion Control – *Temporary* erosion control measures *shall* be in place and maintained during the entire course of construction.
12. Light Spillage – All outside lighting *shall* be shielded to prevent spillage off the site, and designed to prevent glare to traffic, air traffic, and pedestrians.
13. Signs – All signage *shall* comply with the Town Municipal Code. Each parcel will have one freestanding *sign* as submitted.
14. Modification – Any modification to the *site plan*, other than those approved by the Town of Big Flats Commissioner of Public Works, *shall* be approved only by the Planning Board.
15. Failure to Comply – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this *application*, *shall* constitute a violation subject to enforcement by legal action and *shall* render this approval null and void upon the finding of such violation.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Masler, Stewart, Muir

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES  
SUBDIVISION PLAT PREMINARY AND FINAL  
TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Fleisher reviewed and described the proposed resolution, then asked for questions and comments:

- Gensel explained that the *road* and the area for snow removal storage would be dedicated to the Town and would end just before the adjacent *property* because of the need for a snow removal area.
- Esty asked if the drainage problems identified by the adjacent *property owner* at the public hearing have been rectified:
  - Gensel replied that the existing basin is letting the water out too fast; therefore, overwhelming the dry well. The problem is being corrected.
- Coons summarized the letter dated June 14, 2005 from Larry Wagner, Big Flats Commissioner of Public Works to condition approval by the Town before dedication.
  - Gensel replied that he would be working with Larry Wagner and that projects typically have a one-year warranty period by the *developer*.
- Fleisher asked the developer, Art Ambrose if he had a written agreement. Ambrose agreed.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P45-2005  
SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES  
SUBDIVISION PLAT PREMINARY AND FINAL  
TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8, 1-9, 1-11**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project #2004.063, dated October 21, 2004, revised January 3, 2005, revised February 17, 2005, revised dated March 14, 2005; revised May 13, 2005, revised June 3, 2005;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*:

- *Steep slopes*,
- *Large trees* and wooded areas,
- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk and Density Control Schedule* of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3,000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

AND WHEREAS the *applicant* and the adjacent *property owner* have agreed to locate the extension of *drive A*, now known as Soaring Ridge Way, along the 950 contour line to provide suitable connection for future *development* of the adjacent parcel;

AND WHEREAS this Board did not complete the environmental review of this project due to concerns regarding drainage and lack of determination of an archaeological study;

AND WHEREAS the Director of Building Inspections and Code Enforcement spoke with Nancy Herter of New York State Historic Preservation Office (SHPO) and it was determined that a Phase I archaeological study would not be required based on *density* of vegetation, slope of land and lack of rock out-cropping;

AND WHEREAS the Director of Building Inspections and Code Enforcement met with Larry Wagner, Commissioner of Public Works for the Town of Big Flats, and with the *consultant* for the town, to walk the site and review the drainage plan;

AND WHEREAS the Director of Building Inspections and Code Enforcement met with the *applicant*, the *applicant's* engineer, Larry Wagner, and Mark W. Watts of Chemung County Soil and Water Conservation, to discuss drainage issues on the site;

AND WHEREAS Larry Wagner, in a letter dated June 13, 2005, stating concerns with drainage;

AND WHEREAS the *applicant* submitted revised drawings dated June 3, 2005, showing the following:

- Soaring Ridge Way extended to the adjacent *property* line along the 950 contour,
- Proposed drainage revisions, including *easements*, as determined by the meeting on the drainage issues;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary Plat;

AND FURTHER RESOLVED this Board completes the environmental review of this project with the following findings:

- Based on the letter received from Larry Wagner, this Board finds that the drainage will have a small to moderate adverse impact that can be mitigated,
- The requirement for an archaeological study is waived;

AND FURTHER RESOLVED this Board issues a negative declaration citing no potential significant adverse environmental impacts with this project;

AND FURTHER RESOLVED that this Board accepts the Preliminary Plat as the Final Plat, and the Final Plat is approved subject to the following conditions:

1. Payment-in-lieu-of Parkland – Prior to issuance of any certificate of occupancy, the *applicant shall* pay to the Town the required payment-in-lieu-of parkland of \$4400.00.
2. Drainage – The *applicant shall* install all required drainage *structures* pursuant to the proposed engineering and pursuant to the approval and acceptance of the Town of Big Flats Commissioner of Public Works. Any modifications to the drainage *shall* be approved by the Commissioner of Public Works. The *applicant*, and or its heirs or assignees, *shall* maintain all drainage *structures* for five years after dedication to the Town of Big Flats. The failure of any drainage *structure* within said time period *shall* be repaired or replaced by the *applicant*.
3. Roads – All *roads shall* meet or exceed Town of Big Flats specifications prior to dedication and acceptance by the Town.
4. Public Water Supply – All water lines *shall* meet or exceed Town of Big Flats specifications prior to dedication and acceptance by the Town.
5. Water District Approval– Prior to dedication and acceptance of the water supply lines by the Town, all water district extensions, particularly map revisions, *shall* be completed by the *applicant*.
6. Easements – All necessary *easements shall* be granted to the Town of Big Flats for required maintenance of *roads*, drainage, water lines, and related facilities.
7. Driveways – The Town of Big Flats Department of Public Works *shall* approve *driveways* to each *building lot*.
8. Noise and Dust during Construction – The *developer* and builders *shall* take reasonable precautions to prevent excessive noise and dust during construction activities. Sound levels *shall* be in compliance with Chapter 17.36.260 of the Town Municipal Code. *Roads shall* be kept free from dirt and mud.
9. As-Built Drawings – As-built drawings for the *roads*, water lines and drainage *shall* be submitted prior to acceptance and dedication to the Town of Big Flats, or within 60 days of completion of such infrastructure, whichever is sooner. Failure to provide such as-built drawings will render this approval null and void.
10. Surety Requirement: a *Letter of Credit* in an amount sufficient to cover completion of or failure of any required improvement *shall* be submitted to the Town prior to the start of construction of such improvement. Such *Letter of Credit shall* be approved by the attorney for the Town prior to start of construction.
11. The *developer shall* maintain and/or repair all *improvements* prior to acceptance and dedication of such improvement to the Town.
12. No *Building Permit shall* be issued until these conditions are satisfied as determined by the applicable Town official responsible for the subject condition.
13. Modification – Any modification to the *subdivision* plat, other than those approved by the Town of Big Flats Commissioner of Public Works, *shall* be approved only by the Planning Board.
14. Failure to Comply – Failure to comply with these or other provisions of the Town Municipal Code will constitute a violation enforceable by legal action.

AND FURTHER RESOLVED that prior to dedication and acceptance of any and all *improvements*, the *developer shall* satisfy the concerns and conditions of the letter from Larry Wagner, Big Flats Commissioner of Public Works dated June 13, 2005 as follows:

- 1) The drainage infrastructure for the *subdivision must* be designed to convey the anticipated runoff in a satisfactory manner. In particular, the issues of sedimentation and erosion need to be addressed. The drainage infrastructure *must* be accessible and require little or no maintenance. In addition, all necessary *easements must* be identified and the dedication of such *easements must* be

made an express condition of any approval. The actual dedication of drainage infrastructure will occur after the *developer* has maintained and corrected any problems for a 5-year period after construction of same.

- 2) Specifically, the proposed drainage *easements* (swale and pipes) located along the estimated 10-12% grades on the southeasterly portion of the *subdivision* appear to be designed with insufficient erosion mitigation measures in place to accept the anticipated runoff and force associated with the water being conveyed to the receiving area. I recommend the reviewing engineer specifically address this concern or the *applicant* provide sufficient detail to ensure such issue has been mitigated. In discussion with Jamie Gensel (Fagan), he said the design is not completed.
- 3) The reviewing engineer or *applicant* should review and provide documentation that the drainage from Soaring Ridge will not adversely impact the Suburban/Brookline residential neighborhood. In addition, the reviewing engineer *shall* provide the Town with an estimated amount of the costs necessary to cover repairs or design corrections associated with a failure of the drainage systems. A letter of credit should be required in this amount, posted with the Town and be an express condition of any approval by the Planning Board for a period of 5 years.
- 4) The *roads must* be constructed with ditches and underdrains that are sufficient to maintain the integrity of such *roads*. In addition, the requirement of a letter of credit in an amount sufficient to cover the failure of such *roads* should be made an express condition of any approval of this project that of course is also part of the dedication of these *roads* to the Town for a period of 5 years.
- 5) The *roads* that are constructed in phases *shall* be constructed to an intersection or the end of the *road* planned. This will eliminate joints in the middle of a stretch of roadway.
- 6) The existing detention pond system on the northern portion of the *subdivision* is failing as demonstrated by the observed conditions associated with pond following rain events. As such, any approval should require such pond system be reconstructed or re-designed to correct the present condition. In addition, the *applicant* is advised by copy of this letter that any acceptance of such pond for dedication will not occur until this matter is corrected.
- 7) Finally, the engineering plans reviewed do not show the necessary details associated with the proposed drainage facilities. In particular, but not limited to, the *applicant* should be required to provide the following details as a condition of approval:
  - a. The construction detail on the material utilized to construct the drainage swales such as dirt, concrete, tri-lock, etc.
  - b. The riprap has not been detailed to show the proposed size, quantity, and depth such rip rap would be installed.
  - c. The plans do not show the anticipated cubic feet per second of runoff anticipated with the project or the supporting calculations demonstrating the infrastructure can handle the anticipated runoff.
  - d. The details of the pipe installation such as depth, bedding materials, pipe slope, and projected cfs for water flowing through such pipes.
- 8) As-built drawings should be made an express condition of approval. An electronic copy of the CAD file and a GIS compatible file of the as built drawings *shall* be supplied to the Town.
- 9) A condition of approval should expressly state all infrastructure including *roads*, waterline, drainage facilities, etc. are and remain the *applicant's* responsibility until such infrastructure is formally dedicated to the Town by way of acceptance by *Town Board* approval and the filing of all necessary documents to effectuate the same.

AND FURTHER RESOLVED that prior to signing of the final plat by the Chairman the Chemung County Planning Board *shall* review and comment favorably on this *application*.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston  
NAYS: Piersimoni  
ABSTAIN: None  
ABSENT: Masler, Stewart, Muir

**SHOEMAKER EBAY SELL IT NOW**  
**CONCEPT SITE PLAN**  
**TAX PARCELS #66.02-2-47.1**

Fleisher reviewed and described the proposed resolution and asked for questions or comments:

- Piersimoni requested that a letter from the adjoining cemetery authorizing access to the *property* be submitted to the Planning Board,
- Younge requested that the final approval have a condition that there be no outside storage, and a sketch submitted showing employee *parking area*.
- Piersimoni requested that "usual hours of operation" be more specific.
- Coons explained that the *applicant* is in the process of purchasing the *property*.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P46-2005**  
**SHOEMAKER EBAY SELL IT NOW**  
**CONCEPT SITE PLAN**  
**TAX PARCELS #66.02-2-47.1**

Resolution by: Ormiston  
Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Kathleen F. Shoemaker for *Site Plan* approval for a *general business office use* on tax parcel #66.02-2-47.1;

AND WHEREAS the *property* is located at 5 Hibbard Road Extension South in the Town Center (TC) district;

AND WHEREAS the parcel is currently used as a single *family dwelling*, and the *applicant* proposes to convert the house to an office to be used as an Ebay drop off site;

AND WHEREAS the *property* is accessed by a *driveway* from the adjacent cemetery *property* and not directly from a public *right-of-way*;

AND WHEREAS the adjacent *property owners* have been notified of this *application*;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Concept Plan;

AND FURTHER RESOLVED the *applicant shall* submit the following documentation:

- Legal documentation showing the approved *use* of the adjacent *property* for access to this site,
- Hours of operation,
- Proposed signage,
- Proposed lighting,
- Proposed *parking*.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Esty, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Masler, Stewart, Muir

**BARTLETT SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #86.00-1-25**

Fleisher described and reviewed the proposed resolution and completed the Short Environmental Assessment Form. He asked for questions or comments:

- Ormiston noted that the *applicant* had not signed the *application*. Fleisher replied that the *applicant* has signed all the other forms so it seems his intent was to *sign* the *application*.

There being no further questions and comments, Fleisher asked for a resolution.

**RESOLUTION P47-2005  
BARTLETT SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCELS #86.00-1-25**

Resolution by: Esty

Seconded by: Younge

WHEREAS this Board has received an *application* from Jack Bartlett, *owner* of tax parcel # 86.00-1-25, for *Subdivision* approval of a 35.3 acre parcel as shown on a sketch plan dated 5/31/05;

AND WHEREAS the *property* is located at 217 Steege Hill Road in the Rural (RU) district;

AND WHEREAS the *applicant* proposes to create the following two parcels:

- Parcel A being 32.3 acres containing a single *family dwelling*,
- Parcel B being 3 acres containing vacant land;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the minimum required parcel size is three acres in the RU district;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a preliminary *subdivision* plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for July 5, 2005.

CARRIED: AYES: Younge, Esty, Fleisher, Piersimoni

NAYS: Ormiston

ABSTAIN: None

ABSENT: Masler, Stewart, Muir

**BELOSKY/COLONIAL ESTATES  
SUBDIVISION PLAT AMENDMENT**

**TAX PARCELS #47.04-2-22**

Fleisher described and reviewed the proposed resolution and asked for questions or comments:

- Coons indicated the reserved parcel on a *subdivision* plat. He stated that through a conversation with Carl Carson, former Director of Building Inspection and Code Enforcement, that the *lot* was originally reserved for adjacent future *development* that could require an additional drainage area.
- Younger commented that Belosky should have been aware that the *lot* was reserved and not applicable for a *Building Permit* to construct the *one-unit dwelling*.
- Esty asked where the *driveway* access is located. Coons replied off Chambers Road and that the parcel had a house number assigned.
- Younger asked what would happen if Belosky further develops. Coons explained that any further *development* would be under tighter restrictions because of the new codes and zoning regulations.
- Younger inquired as to the three adjoining *lots* marked drainage *easement* shown on the map. Coons explained that there are swales located on these *lots*.
- Fleisher commented that the *applicant* was aware of the restrictions; therefore, he recommends enforcing a "Stop Work Order" until approval.
- Esty commented that this area seems to be a necessary drainage reserve and that he knows of areas in Ponderosa that receive flooding from the drainage off the adjacent hill.
- Younger commented that she is concerned with existing and future *development* in that area and recommends that the *applicant* submit a drainage study.
- Fleisher asked Coons if the reserved *lot* was intended for the existing or future *development*. Coons replied future *development*.
- Fleisher asked Coons if any adjoining *property owner* (concerning drainage) had contacted him. Coons replied that the *property* across the *road* has a drainage problem and that Bill Haner, Drainage Officer for the Town of Big Flats, had studied the area and determined that the *applicant's property* is the cause of some of the drainage problems across the *road*.
- Ormiston recommended that the problem be reviewed with the attorney for the Town to determine if any legal action is warranted and table the *application* until the Board has received comments.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P48-2005**  
**BELOSKY/COLONIAL ESTATES**  
**SUBDIVISION PLAT AMENDMENT**  
**TAX PARCELS #47.04-2-22**

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Michael Belosky, *owner* of tax parcel #47.04-2-22, for an amendment to a *Subdivision Plat* to designate said parcel as a *building lot*;

AND WHEREAS the *property* is located at 47 Chambers Road in the Residential 1 (R1) district;

AND WHEREAS the parcel was placed in "reserve" for drainage *use* for future *development* as shown on a *subdivision* plat dated March 9, 1988, and due to topography and *subdivision* regulations, no additional *development* will occur in this area that will affect the parcel, thereby permitting the parcel to become a *building lot*;

AND WHEREAS the adjacent *property owners* have been notified of this *application*;

THEREFORE BE IT RESOLVED to table this *application*;

AND FURTHER RESOLVED the *applicant* submit a drainage plans showing no adverse impacts on adjacent parcels with construction of a *one unit dwelling*;



AND FURTHER RESOLVED the *applicant shall* cease and desist all work pending findings by this Board.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Masler, Stewart, Muir

**MILTON ROY GRAVEL PIT EXPANSION  
CONCEPT *SITE PLAN* AMENDMENT  
TAX PARCELS #48.03-2-2.11**

Fleisher described and reviewed the proposed resolution, then asked for questions or comments:

- Coons explained the following:
  - That presently the *property* is in violation and has been ordered to cease and desist by New York State Department of Environmental Conservation (DEC) for excavating below allowable floor level.
  - Coons stated that local ordinances permits mining for *development* purposes only.
  - The remaining gravel to be excavated in the present pit is minimal and the *applicant* has been instructed by DEC to raise the pit 9 to 11 feet to satisfy their requirements. He described a visit in which he, Piersimoni and David Wigsten visited the site.
  - He explained how the gravel pit expanded from 3 acres gravel pit to 27 acres gravel pit. In 1998 the Planning Board denied the expansion, but the Zoning Board of Appeals granted approval of the expansion based a 'grandfather clause', that allowed the gravel pit to expand 50% of the total 54 acreages.
  - He explained that the future reclamation intent is to put a golf course on the *property*.
- Piersimoni commented that she understood the *applicant* as indicating that it was not their intent to raise the pit back to *road* level that the golf course will be lower than the *road*.
- Younge agrees that the zoning needs to be changed if a golf course is to be considered by the *applicant* as reclamation process. She noted that although the open green space would be an asset, she is concerned with the large quantity of pesticides that golf courses *use* and the possibility that the *aquifer* may be in that area. She recommended that an *aquifer* map be submitted to the Board for review.
- Ormiston questioned if this expansion is granted, what would guarantee that the *applicant* would reclaim the gravel pit after seven more years of mining.
- Piersimoni commented that her understanding is that the first 27 acres of gravel mine reclamation would be developed at a golf course standard instead of the minimal standards by DEC.
- Fleisher questioned if the zoning is changed to allow a golf course does that *use* apply to anyone else in that zone to build a golf course. Coons replied that the intent to change the zone to Business Non-Retail is to restrict and/or allow *uses* that would be more applicable to the area. That this particular *application* has three elements:
  - Expansion of the gravel mining operation
  - Changing of the zoning to include a golf course *use*
  - Reclamation of the gravel mine as a golf course pursuant to *site plan* review.
- Younge commented that should the *aquifer* be in that area any zoning change should affect the decision.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P49-2005  
MILTON ROY GRAVEL PIT EXPANSION  
CONCEPT *SITE PLAN* AMENDMENT**

**TAX PARCELS #48.03-2-2.11**

Resolution by: Ormiston

Seconded by: Fleisher

WHEREAS this Board has received an *application* from Milton I. Roy, *owner* of tax parcel #48.03.2-2.11, for *site plan* amendment for expansion of a gravel mining operation;

AND WHEREAS the *property* is located at 660 Sing Sing Road in the *Airport Business Development* (ABD) district;

AND WHEREAS the *applicant* has mined 27 acres of this 54 acre parcel, and is requesting approval to mine the additional 27 acres;

AND WHEREAS *extractive use* is a permitted *use* in the ABD district with *site plan* approval from the Planning Board and Special *Use* Permit approval from the *Town Board*, with the provision that the *use* is for site preparation only, to make suitable for future *development*;

AND WHEREAS the *applicant* is proposing to reclaim the entire 54 acres for a golf course *use*, and said *use* is not a permitted *use* in the ABD, and thus would require a zoning amendment to permit said *use*;

AND WHEREAS the New York State Department of Environmental Conservation (DEC) grants permits for mining operations; however, the *applicant must* receive approval pursuant to local zoning ordinances;

AND WHEREAS there are currently violations pursuant to DEC law, and in a letter dated May 27, 2005 to Steve Army, DEC Mining Specialist, the Director of Building Inspections and Code Enforcement requested the current status of the violations, and requested additional information pertinent to this *application*;

AND WHEREAS the *applicant* has submitted a Short Environmental Assessment Form (Short EAF);

AND WHEREAS pursuant to 6 NYCRR Part 617.4 (b)(6)(i) this action will physically alter at least 10 acres, thereby making this a Type I action;

AND WHEREAS the adjacent *property owners* have been notified of this *application*;

THEREFORE BE IT RESOLVED to accept the documents submitted in this *application* as a Concept Plan;

AND FURTHER RESOLVED that the *applicant shall* submit a completed Part 1 of a Full Environmental Assessment Form;

AND FURTHER RESOLVED that documentation from the Department of Environmental Conservation regarding the violations *shall* be reviewed and commented on by the attorney for the Town.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Esty, Young

NAYS: None

ABSTAIN: None

ABSENT: Masler, Stewart, Muir

**RESOLUTION P50-2005****ZONING AMENDMENT REFERRAL FROM TOWN BOARD**

Resolution by: Younge  
Seconded by: Ormiston

WHEREAS the *Town Board* has received a request from Milton I. Roy, *owner* of tax parcel # 48.03-2-2.11, to rezone said parcel to permit the principal *use* of a golf course;

AND WHEREAS the *Town Board* has requested this Board to perform the required environmental review and make recommendation to the *Town Board* regarding such request;

THEREFORE BE IT RESOLVED this Board authorizes the Director of Building Inspections and Code Enforcement to review the technical merits of this *application* and report his findings to this Board for consideration at the July 5, 2005 meeting.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Masler, Stewart, Muir

**COMMENTS:**

- Younge asked Coons how Leland Cole is allowed to put a second *dwelling* on the same *property*. Coons replied that Cole has contacted the Department of Health.
- Piersimoni commented that she is concerned with the *lot* being landlocked for emergency purposes if the Cole *property* is allowed to place an additional house and *driveway*.
- Ormiston asked what is the status of the water tower that was to be removed when the Board approved the Verizon telecommunication tower. Coons replied that he would talk with Eric Corey, Building Inspection and *Code Enforcement officer* whom had spoken with the *developer* about the timeframe for the dismantling of the water tower.
- Fleisher commended the Board members on their perseverance in the traffic and drainage issues with the Commercial Net Lease *application*. He commented that he would have preferred more interaction from the Laberge Group with the Planning Board.
- Fleisher commented that the Raymour/Flanigan and Synthes lack of landscaping needs to be addressed by the enforcement office. Coons replied that through his discussion with James Gensel of Fagan Engineering the landscaping plan is still in the works.
- Ormiston commented that he is concerned with the storm water management in reference to the Commercial Net Lease project freight trucks unloading dock. Coons replied that the drainage from that area would be collected and dispersed to the retention pond.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 7/15/2005 10:01:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JULY 5, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
James Ormiston  
Carl Masler

Absent - Bill Stewart

Absent - Alternate - Lance Muir

Guests: James Gensel, Mandi Deuso, Joe Nananie, Mark Watts, Kathleen Struse, Tom Giles, Ron Panosian, Richard Chrzanowski, Dave Wigsten, Ronald Jung

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of June 14, 2005. Piersimoni requested a technical correction be made to the Dalrymple Subdivision Preliminary and Final Resolution P43-2005. Mark Watts commented that he had corrections to the minutes. Fleisher advised Watts to submit his corrections to the Planning Board secretary in the office. Piersimoni made a motion to accept and approve the minutes of June 14, 2005, seconded by Younge. Stewart and Muir were absent. Masler abstained. Fleisher, Piersimoni, Younge, Ormiston and Esty were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the Bartlett Residential Subdivision Preliminary Plat.

**PUBLIC HEARING**

**6:31 P.M. BARTLETT RESIDENTIAL  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #86.00-1-25**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: Piersimoni commented about the concerns received from Tom Kump, Director of

Environmental Health, as to locations of the wells and septic systems on the property to be subdivided.

Fleisher closed the Public Hearing at 6:33 P.M. and reconvened the business portion of the regular meeting.

**BARTLETT SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #86.00-1-25**

Fleisher reviewed and described the proposed resolution. The Board had the following questions or comments:

- Piersimoni referred to Tom Kump, Director of Environmental Health, email dated June 22, 2005 inquiring as to locations of the wells and septic systems on the property to be subdivided.
  - Fleisher replied that this would be a Building Permit matter. Coons added that both parcels satisfy the bulk and density requirements.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P51-2005  
BARTLETT SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #86.00-1-25**

Resolution by: Esty

Seconded by: Masler

WHEREAS this Board has received an application from Jack Bartlett, owner of tax parcel # 86.00-1-25, for Subdivision approval of a 35.3 acre parcel as shown on a sketch plan dated 5/31/05;

AND WHEREAS the property is located at 217 Steege Hill Road in the Rural (RU) district;

AND WHEREAS the applicant proposes to create the following two parcels:

- Parcel A being 32.3 acres containing a single family dwelling,
- Parcel B being 3 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the minimum required parcel size is three acres in the RU district;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Muir

**SHOEMAKER EBAY SELL IT NOW  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-47.1**

Fleisher reviewed and described the proposed resolution. A Short Environmental Assessment Form was completed and a Negative Declaration issued. The applicant replied to the following Board members questions and comments:

- Younge asked how many employees she intends to employ.
  - Three including herself.
- Younge asked how many parking spaces would be provided for employees, customers, and that a parking plan would need to be submitted.
  - Upon review by her attorney, a more detailed survey map would be submitted that would include six parking spaces for an average of two customers for a 15-minute period-of-time.
- Younge asked Fleisher if the application was premature. Fleisher responded that it is a preliminary plan that needs to be presented to the Chemung County Planning Board before a decision can be made and until the legal issues are settled no final approval can be determined.
- Piersimoni commented on the need for security lighting.
  - Applicant proposes motion detector lighting.
- Coons asked how large sale items are to be handled.
  - Large items would not be brought to the store. Customer would be required to make their own arrangement for shipping large items. Small items will be shipped via Fed Ex or UPS.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P52-2005  
SHOEMAKER EBAY SELL IT NOW  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-47.1**

Resolution by: Younge

Seconded by: Esty

WHEREAS this Board has received an application from Kathleen F. Shoemaker for Site Plan approval for a *general business office* use on tax parcel #66.02-2-47.1;

AND WHEREAS the property is located at 5 Hibbard Road Extension South in the Town Center (TC) district;

AND WHEREAS the parcel is currently used as a single family dwelling, and the applicant proposes to convert the house to an office to be used as an Ebay drop off site;

AND WHEREAS the property is accessed by a driveway from the adjacent cemetery property and not directly from a public right-of-way;

AND WHEREAS pursuant to Resolution P46-2005, the applicant submitted a letter received June 30, 2005, stating the following:

- Hours of operation will be:
  - 10 am to 5 pm Monday, Wednesday and Friday
  - 10 am to 7 pm Tuesday and Thursday
  - 9 am to Noon on Saturday,

- Signage will comply with the Town Municipal Code,
- Lighting will be similar to residential usage,
- Parking will be adjacent to the existing garage, as shown on a map submitted with the letter,
- The applicant's attorney is still working on the legal issues concerning access to the property from the adjacent cemetery drive. If legal access cannot be achieved, the applicant will construct a new drive from Hibbard Road South onto her property;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17;

AND FURTHER RESOLVED that the applicant shall submit a revised parking plan showing the required number of spaces pursuant to Chapter 17.48 of the Town Municipal Code.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Muir

**BELOSKY/COLONIAL ESTATES  
SUBDIVISION PLAT AMENDMENT  
TAX PARCEL #47.04-2-22**

Fleisher reviewed and described the proposed resolution. The Short Environmental Assessment Form was completed and a Negative Declaration issued. The following questions and comments were discussed:

- David Wigsten, Town resident and Application Committee member, expressed his concern that a house is presently under construction on the proposed subdivision plat.
- Fleisher asked Coons if the applicant has ever stopped work while this application was before the Board.
  - Board members confirmed that work on the house has continued and is almost complete.
- Esty asked Coons if the drainage easement on the rear of the property adjacent to the application is sufficient and how does the drainage cross Chambers Road.
  - Coons commented that the drainage easement handles the drainage all the way to the hillside with a special swale. The drainage crosses Chambers Road via a culvert.
- Esty asked if the lot complies with all building requirements, minimal acreage, frontage, etc.

- Coons replied that the lot complies with the requirement that were in place when the subdivision was originally approved, which required 25000 square feet vs. 35000 square feet now required.
- Piersimoni requested that the record show that the survey map was last revised August 20, 1987.
- Wigsten commented that the owner of the lot across Chambers Road has notified the Town of water problems and would like to be notified of any decision in this matter.
- Younge questioned if there is an approved usable well located on the property.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P53-2005  
BELOSKY/COLONIAL ESTATES  
SUBDIVISION PLAT AMENDMENT  
TAX PARCEL #47.04-2-22**

Resolution by: Ormiston

Seconded by: Masler

WHEREAS this Board has received an application from Michael Belosky, owner of tax parcel #47.04-2-22, for an amendment to a Subdivision Plat to designate said parcel as a building lot;

AND WHEREAS the property is located at 47 Chambers Road in the Residential 1 (R1) district;

AND WHEREAS the parcel was placed in “reserve” for drainage use for future development as shown on a subdivision plat dated March 9, 1988, and due to topography and subdivision regulations, no additional development will occur in this area that will affect the parcel, thereby permitting the parcel to become a building lot;

AND WHEREAS the adjacent property owners have been notified of this application;

AND WHEREAS the Director of Building Inspection and Code Enforcement reviewed the file and determined that based on the documentation submitted in the 1988 approval of this subdivision, this parcel contained the original farmhouse and two barns that were demolished after subdivision approval, and drainage documentation included the impervious surfaces of those structures;

AND WHEREAS the Chemung County Planning Board commented on the original approval, and referral to said board is non-compulsory;

THEREFORE BE IT RESOLVED this Board accepts the findings of the Director of Building Inspection and Code Enforcement regarding the drainage and thereby waives the requirement for further drainage studies;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board approves the modification of the subdivision plat to remove the parcel from reserve status and designate the parcel as a building lot for development of a one-unit dwelling.



CARRIED: AYES: Piersimoni, Masler, Ormiston, Esty  
NAYS: Fleisher, Younge  
ABSTAIN: none  
ABSENT: Stewart and Muir

**MILTON ROY GRAVEL PIT EXPANSION  
CONCEPT *SITE PLAN* AMENDMENT  
TAX *PARCEL* #48.03-2-2.11**

Fleisher reviewed and described the proposed resolution and the following questions and comments were discussed:

- Coons distributed and discussed his two memos to the Board, dated July 5, 2005:
  - DEC meeting with Steve Army reflected the responsibilities of the DEC vs. the Town's.
  - Roy Gravel Mine Zoning Amendment update.
- Fleisher explained that until the Town Board changes the zoning this application could not proceed because a golf course is not permitted in the present zoning district.
- Younge commented that the Full Environmental Assessment Form was incomplete and not acceptable. Coons replied that he hasn't had a chance to review the document.
- Esty commented that there has been numerous complaints both past and present and encourages the Board to review the complaints in their entirety.
- Coons commented that the Town Board would hold the Public Hearing on the Zoning Amendment.
- James Gensel commented that the DEC has a 30 days public comment period for its SEQR process.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P54-2005  
MILTON ROY GRAVEL PIT EXPANSION  
CONCEPT *SITE PLAN* AMENDMENT  
TAX *PARCEL* #48.03-2-2.11**

Resolution by: Ormiston  
Seconded by: Piersimoni

WHEREAS this Board has received an application from Milton I. Roy, owner of tax parcel #48.03.2-2.11, for site plan amendment for expansion of a gravel mining operation;

AND WHEREAS the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district;

AND WHEREAS the applicant has mined 27 acres of this 54 acre parcel, and is requesting approval to mine the additional 27 acres;

AND WHEREAS *extractive use* is a permitted use in the ABD district with site plan approval from the Planning Board and Special Use Permit approval from the Town Board, with the provision that the use is for site preparation only, to make suitable for future development;

AND WHEREAS the applicant is proposing to reclaim the entire 54 acres for a golf course use, and said use is not a permitted use in the ABD, and thus would require a zoning amendment to permit said use;

AND WHEREAS the New York State Department of Environmental Conservation (DEC) grants permits for mining operations; however, the applicant must receive approval pursuant to local zoning ordinances;

AND WHEREAS there are currently violations pursuant to DEC law, and in a letter dated May 27, 2005 to Steve Army, DEC Mining Specialist, the Director of Building Inspections and Code Enforcement requested the current status of the violations, and requested additional information pertinent to this application;

AND WHEREAS Joseph G. Bucci, Jr., Mined Land Reclamation Specialist with the Department of Environmental Conservation (DEC), in a letter dated June 14, 2005, responded to the above-mentioned letter;

AND WHEREAS on June 23, 2005, the Director of Building Inspection and Code Enforcement, Planning Board members Piersimoni, Younge and Esty, the Town Supervisor and Attorney for the Town met with Steve Army, Mined Land Reclamation Specialist with the Department of Environmental Conservation to discuss this application, and the following was determined;

- DEC has mining permitting authority and will be Lead Agency pursuant to SEQR barring no challenge from any Involved Agency,
- Town of Big Flats Planning Board possess site plan approval authority requirement over applicant to determine compliance with the Town Municipal Code.
- The Town Board possesses special use permit authority over the application,
- The applicant must submit an authorized development plan associated with the extractive use as required by the Town Municipal Code pursuant to Chapter 17.12.010, footnote 1,
- Permitted uses in this area are limited by the airport flight path restrictions,
- The current reclamation plan for the existing mine is for agricultural purposes;

THEREFORE BE IT RESOLVED that this Board finds that further review of this application cannot proceed as the current plan for development, being a golf course, is not a permitted use in the ABD district;

AND FURTHER RESOLVED that this application is tabled with agreement of the applicant to the July 26, 2005 Planning Board meeting to review the status of the zoning amendment request or submission by the applicant of a development plan that complies with Chapter 17.12 of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Esty, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Stewart and Muir

**DON YEARICK**

**COFFEE ROASTERS**

**PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT**

**TAX PARCEL #57.02-2-66**

Fleisher reviewed and described the proposed resolution. The following questions and comments were discussed:

- Joseph Nananie, owner of Soul Full Cup Coffee House, stated that the roasting business from the Bath location is being moved in anticipation of expansion.

- Fleisher asked Coons to clarify any proposed signage. Coons replied that the applicant has not requested any signage.
- Younge commented that the application indicates 12-hour days with three employees.
- Esty asked if restaurant regulations apply. In reference to an email from Ag & Markets, it was determined that Ag & Markets would monitor the business.

There being no further questions or comments, he asked for a resolution.

**RESOLUTION P55-2005**

**DON YEARICK**

**COFFEE ROASTERS**

**PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT**

**TAX *PARCEL* #57.02-2-66**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS the Board has received this renewal of previously withdrawn *application* from Donald Yearick, *owner* of tax *parcel* #57.02-2-66, for a *site plan* amendment to operate a business to roast, package, and distribute coffee beans;

AND WHEREAS the *parcel* is 0.677 acres and is located at 334 Sing Sing Road in the *Airport* Business District (ABD),

AND WHEREAS the operation is classified as a manufacturing *use* and is a permitted *use* in the ABD district;

AND WHEREAS the *applicant* states that all business will be conducted inside the existing *building*, and there will be no outside storage;

AND WHEREAS the *applicant*, in a letter received December 3, 2004, states the following:

- Green coffee beans are roasted in a roasting machine similar to a clothes dryer, and vents to the exterior producing a slight aroma,
- For every 100lbs of beans roasted, 5lbs of chafe (waste) is produced, and will be disposed of using a local disposal service,
- Hours of operation will be from 9 am to 9 pm; however only a few hours per day are required for roasting, with three employees anticipated at this time,
- Packaged product is delivered by Federal Express and UPS, using ground and air transport,
- Signage will be limited to the existing signage on site.

AND WHEREAS the Chemung County Planning Board, at its January 13, 2005 meeting, returned the application for local determination;

AND WHEREAS this business is under the jurisdiction New York State Ag and Markets as this is a manufacturing business, and the Director of Building Inspection and Code Enforcement spoke with a representative of Ag and Markets and determined the requirements for such an operation;

THEREFORE BE IT RESOLVED to approve the Preliminary Plan and accept the Preliminary Plan as the Final Plan for Site Plan amendment;

AND FURTHER RESOLVED the Final Plan is approved with the following conditions:

- No retail sales shall occur on site.
- No signs are approved for this operation. Any request for signage shall be approved by site plan amendment only.

- Any modification to this approval shall be by site plan approval only.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Esty, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Stewart and Muir

**GILES FARM MARKET  
SITE PLAN FINAL APPROVAL  
TAX PARCEL #67.02-1-2.111**

Fleisher reviewed and described the proposed resolution. After a lengthy discussion, the proposed resolution was modified for clarification of the conditions set by the Zoning Board of Appeals.

**RESOLUTION P56-2004  
GILES FARM MARKET  
SITE PLAN FINAL APPROVAL  
TAX PARCEL #67.02-1-2.111**

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* has constructed a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing *building*;

AND WHEREAS pursuant to Resolution P73-2004, the following is shown in the revised *site plan*:

- Location of the existing 32' x 32' *building* housing the Maple Valley Farm Market
- Location of the proposed 20' x 32' addition to the existing *building*
- Location of 20 *parking* spaces
- Location of the split-rail *fence* to delineate the 40' wide entrance *drive*
- Location of two portable bathroom facilities
- Location of a freestanding *sign* along County Route 64
- Location of an existing 80 square foot freestanding *sign* along New York State Route 17/I-86
- Location of portable *sign* along New York State Route 17/I-86 affixed to a farm wagon that will be moved around the *property* on occasion

AND WHEREAS there currently exists a dusk-to-dawn pole light;

AND WHEREAS landscaping will be accomplished by *use* of seasonal decorations in the display in front of the *building*;

AND WHEREAS the *applicant* currently disposes of waste product by removal from site or reintroduced into the farm fields, and therefore no dumpster is required;

AND WHEREAS the Chemung County Planning Board, at its June 16, 2005 meeting, recommended favorable approval subject to any additional approval conditions by the Town of Big Flats Planning Board;

AND WHEREAS the Chemung County Health Department, in a letter dated June 13, 2005, stated that there is a private well on the site, and if potable water will be required, the applicant shall connect to the public water supply available within 500 feet of the property;

THEREFORE BE IT RESOLVED to approve the documents submitted, along with the approved variances, as a Preliminary Plan;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final Plan and the Final Plan is approved subject to the following conditions:

- Signs – the following signs are the only signs approved:
  - One freestanding sign permanently affixed to the ground located along County Route 64 as shown on the approved site plan,
  - One portable sign affixed to a farm wagon as approved by the Zoning Board of Appeals and subject to the conditions set forth in said approval,
  - Banners shall comply with the Town Municipal Code.
- Parking – Parking shall be permitted only in the designated parking area as shown on the approved site plan. The parking area shall be constructed of a suitable all-weather, dust-free surface, and all required spaces shall be visibly marked. One handicap parking space shall be provided and so designated to comply with the New York State Building Code.
- Drive Entrance – The 40 foot wide drive entrance and the minimum 8 foot setback, as shown on the approved site plan, shall be maintained at all times by use of fence or other approved man-made object.
- Building Addition – The proposed 20' by 32' addition is the only structure approved. Accessory structures shall comply with the Town Municipal Code.
- Water Supply – The applicant shall comply with the requirements of the Chemung County Health Department regarding the potable water supply. Should the applicant be required to hook onto the public water supply, the applicant shall comply with all requirements of the Town of Big Flats Water Department.

AND FURTHER RESOLVED that the freestanding sign along New York State Route 17/ I-86 shall comply with the Zoning Board of Appeals conditions of approval.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Muir

**M3 INTERNATIONAL  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #57.03-2-12.14**

Fleisher reviewed and described the proposed resolution. The Short Environmental Assessment Form was completed and a Negative Declaration issued. Coons commented that negotiations have been in process since April 3, 2002 as noted on the survey map. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P57-2005**  
**M3 INTERNATIONAL**  
**SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCEL #57.03-2-12.14**

Resolution by: Younge  
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from M3 International, leaseholder of tax *parcel* #57.03-2-12.14, for the *subdivision* approval of this 5.779-acre *parcel* as shown on a survey map by Weiler Associates, Job#12548, dated April 3, 2002;

AND WHEREAS the proposed *subdivision* is located at 344 Daniel Zenker Drive in the *Airport Business Development District* (ABD);

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided parcel is three acres;

AND WHEREAS the applicant proposes to subdivide a 1.199-acre parcel that will be conveyed and merged with the adjacent property, being tax parcel #67.01-1-7.21;

AND WHEREAS the adjoining property owners have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 80;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for July 26, 2005;

AND FURTHER RESOLVED that the applicant shall submit a current survey map showing the 1.199-acre parcel merged with parcel #67.01-1-7.21.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart and Muir

**STILTS AREA VARIANCE REFERRAL  
TAX PARCEL #66.04-1-56**

Fleisher reviewed and described the proposed resolution. The applicant, Wayne Stilts, showed the Board the proposed garage/workshop layout on a map not provided to the Board. He explained that he obtained verbal agreements from his neighbors concerning the proposed project. He also noted that his property is located at the end of a dead end street and is adjoined by a horse pasture and railroad tracks. Younge requested that the applicant provide written statements by the neighbors referenced in his letter dated June 7, 2005. The applicant agreed.

The applicant stated that he intends to demolish the existing storage shed if this application is approved and explained that he prefers the garage/shop be detached from the existing house.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P58-2005  
STILTS AREA VARIANCE REFERRAL  
TAX PARCEL #66.04-1-56**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS this Board has received an *application* for an Area Variance from Wayne R. Stilts II for *property* located on tax *parcel* #66.04-1-56 as identified in a letter and drawing dated June 7, 2005;

AND WHEREAS the *property* is located at 26 Kelley Drive in the Residential 2 (R2) *district*;

AND WHEREAS the *applicant* is requesting an area variance to construct a 1200 square foot accessory structure to be used as a detached garage, storage and non-commercial workshop building;

AND WHEREAS Chapter 17.40.020 (B) of the *Town Municipal Code* permits the maximum square footage for an accessory structure to be 750 square feet;

AND WHEREAS the Planning Board pursuant to *Town Municipal Code* Section 17.60.070, is required to report its recommendation to the ZBA;

AND WHEREAS that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

THEREFORE BE IT RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
Yes, the applicant can build a smaller garage/shop or build two small structures.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
Yes, Chapter 17.40.020 (B) of the *Town Municipal Code* states maximum floor area of an individual accessory building is 750 square feet. The applicant is requesting 1200 square feet accessory structure.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variance would be based on extenuating circumstances of this particular lot being that this is the last lot on a dead end road, railroad tracks and horse pasture surround abuts the property, and recommends favorable approval by the Zoning Board of Appeals.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Esty, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Stewart and Muir

**DALRYMPLE SUBDIVISION  
SUBDIVISION CONCEPT PLAT  
TAX PARCEL #58.03-1-54**

Fleisher reviewed and described the proposed resolution. James Gensel of Fagan Engineers, representing the applicant, explained that no additional variances would be necessary to accomplish the intended use for the proposed subdivision.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P59-2005  
DALRYMPLE SUBDIVISION  
SUBDIVISION CONCEPT PLAT  
TAX PARCEL #58.03-1-54**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Dalrymple Gravel and Contracting, owner of tax *parcel* #58.03-1-54, for the *subdivision* approval of this 22-acre *parcel* to create the following two parcel(s):

- *Parcel A* being approximately 19.0 acres containing the gravel operation located on South side of County Route 64;
- *Parcel B* being 2.378-acres containing vacant land on the North side of County Route 64;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is three acres, and the proposed *subdivision* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the *applicant* has requested a variance to permit a *parcel* with less acreage than required;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Concept Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that pursuant to Chapter 17.60.070 this Board *shall* report its recommendation to the Zoning Board of Appeals regarding the requested variance;



AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the Town *Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
Yes, this is a 20% deviation from the Town Municipal Code requirement.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
No.

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested area variance would be consistent with the planning objectives of the *Town Comprehensive Plan* and recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Muir

**COMMENTS:**

- Younge commented that she had attended a DEC meeting that talked about how to control the deer wasting disease that has been located in Oneida County. In addition, the meeting covered the environmental laws not passed, and that a new commission of DEC has not been appointed.
- Coons handed out a memo pursuant to zoning changes before the Town Board and asked the Planning Board to email comments to him.
- Esty commented that the owner of the non-conforming lot located next to the proposed Dalrymple subdivision seems to be improving the lot and wondered if Dalrymple would be interested in purchasing that lot to avoid requesting a variance. Coons replied that Chapter 17.56 of the Town Municipal Code deals with non-conforming lot.
- Wigsten informed the Board to consider the Barnes farm adjacent to the gravel pit when dealing with the rezoning of the area.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 7/27/2005 9:39:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JULY 26, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
James Ormiston  
Carl Masler

Alternate - Lance Muir  
Absent - Bill Stewart

Guests: Janice Bamford, Tom Clark, Jamie Gensel, Kip Burlen, Ron Panosian, Richard Chrzanowski, Elaine Chrzanowski

Staff: Mary Ann Balland, Leonard Kaner, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of July 5, 2005. Muir made a motion to accept and approve the minutes of July 5, 2005, seconded by Younge. Stewart was absent. Muir abstained. Fleisher, Piersimoni, Esty, Younge, Ormiston and Masler were in favor, motion carried.

Fleisher suspended the regular business portion of the meeting for a Public Hearing on the M3 International Subdivision Preliminary Plat.

**PUBLIC HEARING**

**6:31 P.M. M3 INTERNATIONAL  
SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #57.03-2-12.14**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:32 P.M. and reconvened the business portion of the regular meeting.

**DALRYMPLE SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #58.03-1-54**

Fleisher reviewed and described the proposed resolution. The Short Environmental Assessment Form was completed and a Negative Declaration issued. There being no questions and comments, Fleisher asked for a motion.

**RESOLUTION P60-2005  
DALRYMPLE SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #58.03-1-54**

Resolution by: Esty  
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Dalrymple Gravel and Contracting, owner of tax *parcel* #58.03-1-54, for the *subdivision* approval of this 22-acre *parcel* to create the following two parcel(s):

- *Parcel* A being 19.622 acres containing the gravel operation located on south side of County Route 64;
- *Parcel* B being 2.378-acres containing vacant land on the north side of County Route 64;

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the area required for a subdivided *parcel* is three acres, and the proposed *subdivision* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the Zoning Board of Appeals, at its July 18, 2005 meeting, granted a variance to permit the undersized parcel;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board confirms the Public Hearing.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart

**6:33 P.M. PUBLIC HEARING  
DALRYMPLE SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #58.03-1-54**

Chair Fleisher called the Public Hearing to order at 6:36 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:37 P.M. and reconvened the business portion of the regular meeting.

**M3 INTERNATIONAL  
SUBDIVISION PRELIMINARY AND FINAL PLAT  
TAX PARCEL #57.03-2-12.14**

Fleisher reviewed and described the proposed resolution. There being no questions and comments, Fleisher asked motion to adopt the proposed resolution.

**RESOLUTION P61-2005  
M3 INTERNATIONAL  
SUBDIVISION PRELIMINARY AND FINAL PLAT  
TAX PARCEL #57.03-2-12.14**

Resolution by: Muir  
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from M3 International, leaseholder of tax *parcel* #57.03-2-12.14, for the *subdivision* approval of this 5.779-acre *parcel* as shown on a survey map by Weiler Associates, Job#12548, dated April 3, 2002;

AND WHEREAS the proposed *subdivision* is located at 344 Daniel Zenker Drive in the *Airport Business Development District (ABD)*;

AND WHEREAS pursuant to the *Bulk and Density Control Schedule* the area required for a subdivided parcel is three acres;

AND WHEREAS the applicant proposes to subdivide a 1.199-acre parcel that will be conveyed and merged with the adjacent property, being tax parcel #67.01-1-7.21;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The applicant shall submit a current survey map showing the 1.199-acre parcel merged with parcel #67.01-1-7.21.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*
- The Chemung County Planning Board shall review and comment on this application.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**DALRYMPLE SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #58.03-1-54**

Fleisher reviewed and described the proposed resolution. Ormiston asked that the proposed resolution reflect a more exact acreage to Parcel A. Proposed resolution amended. There being no further questions and comments, Fleisher asked motion to adopt the proposed resolution.

**RESOLUTION P62-2005  
DALRYMPLE SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #58.03-1-54**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Dalrymple Gravel and Contracting, owner of tax *parcel* #58.03-1-54, for the *subdivision* approval of this 22-acre *parcel* to create the following two parcel(s):

- *Parcel A* being approximately 19.622 acres containing the gravel operation located on South side of County Route 64;
- *Parcel B* being 2.378-acres containing vacant land on the North side of County Route 64;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is three acres, and the proposed *subdivision* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the Zoning Board of Appeals, at its July 18, 2005 meeting, granted a variance to permit the undersized parcel;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located with 500 feet of County Route 64;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*.
- The Chemung County Planning Board shall review and comment on this application.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**MILTON ROY GRAVEL PIT EXPANSION**

***SITE PLAN AMENDMENT***

***TAX PARCEL #48.03-2-2.11***

Fleisher reviewed and described the proposed resolution. There being no questions and comments, Fleisher asked motion to adopt the proposed resolution.

**RESOLUTION P63-2005**

**MILTON ROY GRAVEL PIT EXPANSION**

***SITE PLAN AMENDMENT***

***TAX PARCEL #48.03-2-2.11***

Resolution by: Ormiston

Seconded by: Muir

WHEREAS this Board has received an application from Milton I. Roy, owner of tax parcel #48.03-2-2.11, for site plan amendment for expansion of a gravel mining operation;

AND WHEREAS the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district;

AND WHEREAS the applicant has mined 27 acres of this 54 acre parcel, and is requesting approval to mine the additional 27 acres;

AND WHEREAS *extractive use* is a permitted use in the ABD district with site plan approval from the Planning Board and Special Use Permit approval from the Town Board, with the provision that the use is for site preparation only, to make suitable for future development;

AND WHEREAS the applicant is proposing to reclaim the entire 54 acres for a golf course use, and said use is not a permitted use in the ABD, and thus would require a zoning amendment to permit said use;

AND WHEREAS this application was tabled at the July 5, 2005 meeting for the purpose of reviewing the zoning amendment request, and to give time for the applicant to consider submitting a revised site plan that complies with Chapter 17.12 of the Town Municipal Code;

AND WHEREAS the applicant has not submitted a revised site plan;

THEREFORE BE IT RESOLVED that the application for the gravel mine expansion is denied as the plan does not contain an authorized development use pursuant to Chapter 17.12 of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Muir, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart

**ZONING AMENDMENT REFERRAL  
RECOMMENDATION FROM PLANNING BOARD**

Fleisher described and reviewed the proposed resolution. Esty asked for clarification as to which Comprehensive Plan the proposed resolution is in reference to. It was noted that the current Comprehensive Plan is being referenced. There being no further questions or comments, Fleisher asked for motion to adopt the proposed resolution.

**RESOLUTION P64-2005  
ZONING AMENDMENT REFERRAL  
RECOMMENDATION FROM PLANNING BOARD**

Resolution by: Younge  
Seconded by: Esty

WHEREAS this Board has received a referral from the Town Board for a zoning amendment request from Milton Roy, owner of tax parcel #48.03-2-2.11, for consideration of amending the zoning code to permit the use of a golf course on said tax parcel;

AND WHEREAS this Board received a memo from the Director of Building Inspection and Code Enforcement dated July 5, 2005, detailing the possible actions this Board could take regarding the zoning amendment request;

THEREFORE BE IT RESOLVED upon review of the existing Comprehensive Plan, the Board has determined such application is not consistent therewith;

AND FURTHER RESOLVED this Board makes recommendation to the Town Board that no changes be made in the current zoning code and the above referenced application for a zoning amendment request from Milton Roy be denied.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart

**SIMMONS-ROCKWELL SIGN  
SITE PLAN AMENDMENT  
TAX PARCEL #67.02-1-4**

Fleisher reviewed and described the proposed resolution. He asked for questions or comments, there being none, he asked a motion to adopt the resolution.

**RESOLUTION P65-2005  
SIMMONS-ROCKWELL SIGN  
SITE PLAN AMENDMENT  
TAX PARCEL #67.02-1-4**

Resolution by: Ormiston  
Seconded by: Piersimoni

WHEREAS this Board has received an application from Simmons-Rockwell, owner of tax parcel #67.02-1-4, for site plan amendment for the approval of additional signage as shown on a drawing by Pride Signs, Inc., job #05-0118H, dated May 18, 2005;

AND WHEREAS the property is located at 784 County Route 64 in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to add signage to the awning on the building facing the parking lot in a westerly direction;

AND WHEREAS there currently is signage on the awning that is 8 ½ feet in width and 4 ½ feet high (38.25 square feet), and the applicant is proposing to remove that signage and install signage that is approximately 50 feet in width and 4 feet high (200 square feet);

AND WHEREAS Chapter 17.52.050(D) of the Town Municipal Code permits an awning sign to be a maximum of 100 square feet, and such signage shall be installed on the side of the building that faces the road;

THEREFORE BE IT RESOLVED that this Board finds that the request is substantial in nature, and further that there is no credible documentation to warrant the request;

AND FURTHER RESOLVED that the request for additional signage on the west side of the building is denied.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Muir, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart

**GENERAL REVENUE CORPORATION (GRC)  
CONCEPT SITE PLAN AMENDMENT  
TAX PARCEL #57.03-2-12.1**

Jamie Gensel of Fagan Engineers, representing the applicant was asked to describe the application. Gensel explained that currently the property is being surveyed for the proposed parking lot expansion to accommodate 640 employees GRC expects to have within the next two years. Younge expressed concern as to the noise level of 640 cars arriving at once. Gensel explained that the employees would arrive for different shifts from 6 a.m. to 9 p.m. Piersimoni questioned why 640 parking spaces would be necessary if the employees arrive for different shifts. Gensel explained that overlapping of shifts would occur and that the traffic pattern is presently being studied to determine the accurate parking expansion requirements.

Fagan Engineers is reviewing the landscaping and lighting plans.



Younge asked if there is an existing berm on the property. Gensel replied that the berm runs across the neighboring property. He added that by staying within the property boundaries the gas and drainage easements located to the rear of the property would not be a concern.

Fleisher asked if the parking expansion consists of 142 new parking spaces as reflected on the Environmental Assessment Form submitted by the applicant. Gensel replied that the 142 new parking spaces is a partial estimate. That figure may only entail Phase 1 of the two phases anticipated.

Ormiston expressed his concern that expanding the parking area without adding a second internal drive could be problematic, especially for emergency services.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P66-2005**  
**GENERAL REVENUE CORPORATION**  
**CONCEPT *SITE PLAN* AMENDMENT**  
**TAX *PARCEL* #57.03-2-12.1**

Resolution by: Esty

Seconded by: Muir

WHEREAS this Board has received an application from General Revenue Corporation, owner of tax parcel #57.03-2-12.1, for expansion of the parking lot as shown on a sketch plan received July 12, 2005;

AND WHEREAS the property is located at 325 Daniel Zenker Drive in the Airport Business Development (ABD) District;

AND WHEREAS the applicant proposes to enlarge the existing parking lot in anticipation of the growth of the business;

THEREFORE BE IT RESOLVED that this Board finds that the documents submitted lack sufficient information to make any further determinations on this application;

AND FURTHER RESOLVED that the applicant shall submit revised documents pursuant to Chapter 17.32.080 included but not limited to the following:

- Area map showing adjacent parcels with ownership,
- Square footage of existing 2-story office building,
- Lot coverage,
- Lighting plan,
- Drainage plan,
- Traffic Impact Study,
- Large trees,
- Specific shift hours and number of employee per shift,
- Location of second internal drive or justification as to why a second drive is not needed.
- Hours of operation

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**DANDY MINI MART  
CONCEPT SITE PLAN  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher reviewed and described the proposed resolution. He noted that a representative of Dandy was not present. The following questions and comments were discussed:

**The proposed Bank** – Fleisher relayed that the Executive Committee expressed their concern as to the necessity of three drive-through lanes,

- Younge expressed if excluding the bank would be an option

**Ingress and Egress** – the New York State Department of Transportation (NYS DOT) is in the process of reviewing the area.

- The existing westerly drive would remain for future development to the east.
- A new entrance will be located to the east of the existing easterly drive.
- A proposed service road to the east of the property,
- Muir commented that the design could magnify the traffic problems in that area.
- Esty commented as to whether that section of the road could be widening as a potential solution.
- Younge commented that her concern is left hand turns exiting the businesses onto a busy main road with a 45+ mph speed zone.
- Balland commented that NYS DOT stated that the proposed drives were not acceptable.

**Lot coverage** - the proposed plan is in excess of the 50% allowable and no landscaping plan has been submitted.

**Parking spaces** – The plan proposes one space short of the 28 parking spaces that are required,

**Employees** - the mini mart and the bank proposed a total of six,

**Consultants** - Director of Building Inspection and Code Enforcement will contact at least two consultants

**Aesthetics** – The Board requested the proposed elevation drawing for review.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P67-2005  
DANDY MINI MART  
CONCEPT SITE PLAN  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Ormiston

Seconded by: Muir

WHEREAS this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.2 as shown on a drawing by Hawk Engineering, project #4012.03, dated 5/10/05;

AND WHEREAS the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district;

AND WHEREAS the existing building is located on tax parcel #76.00-2-10.2, and tax parcel #76.00-2-10.111 is a vacant lot;

AND WHEREAS the applicant proposes to demolish the existing convenience store and gas-dispensing island, and construct a new building that will contain a convenience store with sandwich and pizza sales, a bank with drive-thru, and new gas-dispensing island;

AND WHEREAS the applicant has submitted a Stormwater Pollution Prevention Plan dated June 2005;

AND WHEREAS the applicant intends to merge the two parcels to permit construction of one building;

AND WHEREAS the adjoining property owners will be notified of this application;

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted as a Concept Plan;

AND FURTHER RESOLVED that this Board finds that this application is technically complicated in nature, and the services of a consultant will be required for the following issues:

- Traffic patterns for automobile and delivery truck movements,
- Review of the Stormwater Pollution Prevention Plan;

AND FURTHER RESOLVED that this Board hereby authorizes the Director of Building Inspection and Code Enforcement to contact two engineering firms for quotations to do such review;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan pursuant to Chapter 17.32.080 showing the following:

- Proposed site lighting with photometric design,
- Proposed landscaping.
- Dumpster enclosure
- Signage for drives
- Elevation drawings

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**BAMFORD PRO FITNESS  
CONCEPT SITE PLAN  
TAX PARCEL #66.02-2-57**

Fleisher described and reviewed the proposed resolution. The following questions and comments were discussed:

**Business** – The second floor would be used as a training fitness center. The first floor would be used as the business entrance.

**Parking** – The Executive Committee expressed concern with the five parking spaces being sufficient.

- The applicant inquired whether parking spaces inside the garage could be included into the count because it would be her vehicle and would not be leaving during training sessions.
- Younge questioned Coons if the garage spaces can be included as required parking spaces. Coons replied that it would be at the discretion of the Board.
- The applicant stated that there could be 3 to 4 parking spaces perpendicular to the drive.
- Five to six people including the owner would be present at a session.

- Handicapped parking space and building access would be required per the American Disability Act. Coons commented that because the business would be less than 3,000 square feet, vertical accessibility would not be required. Fleisher requested that the Director of Building Inspection and Code Enforcement review what would be allowable.
- Coons commented the proposed plan shows three parking spaces across the front of the garage and one space inside the garage. Younge commented that it is assumed that the car inside of the garage would never have to leave even in an emergency. Younge also expressed concern as to the maneuverability of the patrons' vehicle, to enter and exit the drive.

**Employees** – The applicant commented that she expects to hire one employee.

**Hours** – The hours of business would be from 5:30 a.m. to 9:30 p.m.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P68-2005  
BAMFORD PRO FITNESS  
CONCEPT SITE PLAN  
TAX PARCEL #66.02-2-57**

Resolution by: Muir

Seconded by: Younge

WHEREAS this Board has received an application from Janice Bamford, owner of Bamford Pro Fitness, for site plan approval for a personal service establishment business located on tax parcel #66.02-2-57 as identified in a letter dated July 10, 2005, and as shown on a site map received July 12, 2005;

AND WHEREAS the property is located at 481 Maple Street in the Town Center (TC) district;

AND WHEREAS the applicant has submitted a letter from the current property owners, Jerry and Maureen McInerny, granting permission to make this application;

AND WHEREAS there currently exists a one-unit dwelling, a barn, a 2-story accessory building, and a shed;

AND WHEREAS the applicant proposes to operate a personal training exercise facility on the second floor of the existing 2-story accessory building which currently houses a commercial woodworking shop;

AND WHEREAS the facility will not be used for rehabilitative therapy;

AND WHEREAS the building is 1500 square feet per floor level and pursuant to the New York State Building Code, Section K604, the building is not required to have vertical accessibility as it is less than 3000 square feet per floor level; however, the site elements are required to be accessible;

AND WHEREAS pursuant to Chapter 17.48.010 of the Town Municipal Code, two parking spaces are required for a one-unit dwelling, and five parking spaces will be required for the proposed use, thereby requiring seven parking spaces on the parcel;

AND WHEREAS the adjacent property owners have been notified of this application;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Concept Plan;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan detailing the following:

- Location of 7 parking spaces, including one space that complies with handicap accessibility requirements,
- Location of all exterior site lighting,
- Location and size of proposed signage.

CARRIED: AYES: Younge, Muir, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**MEMBERS COMMENTS:** No comments were offered.

**CORRESPONDENCE:**

- Zoning Board of Appeals decisions on Dalrymple Subdivision and Stilts Site Plan
- Revised Site Plan drawings received by Bohler Engineering, Inc.
- Bohler Engineering, Inc. Revised Drawings letter dated July 20, 2005
- Correspondence from Laberge Group, dated July 21, 2005, reference Commercial Net Lease

Meeting adjourned at 7:40 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 8/24/2005 8:57:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF AUGUST 16, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Lee Younge  
James Ormiston  
Carl Masler  
Alternate - Lance Muir  
Absent - Bill Stewart  
Absent - Scott Esty

Guests: George Rose, Helen Rose, Mark Chaborek, Nancy Chaborek, Dana Chaborek, John Chaborek, Jamie Gensel, Dave Young, Marcus Mancini, Wendy Roe Hovey, Robert Hovey, Harry King, Jane King, Buddy Clemens, Tom Clark, Jeff Smith, Gary Lutomski

Staff: Mary Ann Balland, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of July 26, 2005. Piersimoni made a motion to accept and approve the minutes of July 26, 2005, seconded by Muir. Stewart and Esty were absent. Fleisher, Piersimoni, Younge, Ormiston, Masler and Muir were in favor, motion carried.

**GENERAL REVENUE CORPORATION  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #57.03-2-12.1**

Fleisher described and reviewed the proposed resolution. The Board proceeded to review the Short Environmental Assessment Form. The secretary informed the Chair that the resolution does not include the notification of the adjoining property owners; therefore, the Board did not complete the Short Environmental Assessment Form to allow notification and comment.

Coons stated that the Town Municipal Code requires 2 ½ **parking spaces** per 1,000 square feet of floor space of office use, the maximum number of spaces is 5 per 1,000 square feet, and that this formula permits a maximum of 300 for this particular application. However, the Board is empowered by the Code to approve additional parking, if such parking is determined not to adversely impact the aquifer or ground water and that the anticipated number of employees warrants the number of parking spaces requested by the applicant.

Piersimoni asked Jamie Gensel of Fagan Engineers, representing the applicant, how he plans to mitigate the **storm water** because of the amount of impervious surface. Gensel replied that the storm water management is designed for the whole Airport Corporate Park assuming 50% lot coverage rate. The process used was called "Beat the Peak" designed by Hunt Engineers. Basically, the water needs to be conveyed to the existing swales for water quality then transferred to the creek. Masler asked if

the entire parking area would be completed all at once. Gensel replied that the parking area would be constructed in two phases, part this year, the remaining next year.

Gensel stated that the documentation submitted justified that a **second drive** would not be required and that potential employees, not the square footage of the building, was used to estimate the traffic count.

In referencing the Short Environmental Assessment Form “A community’s existing plans or goals as officially adopted, or a change in use or **intensity of use** of land or other natural resources?” Younge commented that she feels the change in *use* changes the intensity and that the public would have to indicate as to whether this application should be classified as an adverse impact. Fleisher agreed but added that it can be mitigated.

Ormiston recommended that the **lighting plan** ensure that the lighting would not extend beyond the property, especially considering the bare trees during the winter. He also recommended a timing device. Gensel replied that the lighting design would assume no barrier of trees to ensure no spillage of lights off the property, and that a timer would be used on the lights.

Gensel stated that there would be **additional landscaping** provided on west side of the property. Fleisher asked Gensel what the plans for the northwest corner of the lot are because of the possibility of light spillage. Gensel explained that there is a nice wooded buffer between Maple Shade and the proposed parking area, except for 40 – 50 feet on the western boundary. This would be satisfactory, especially with the planting of new evergreens. He further explained that the owner has agreed to additional shades or baffles on the lighting.

Gensel commented that the **hours of operation** would include two shifts: 2/3 of the workforce on the first shift and 1/3 of the workforce on the second shift, which would end at 11 p.m.

Piersimoni asked if during the original approval process of the Airport Corporate Park, how many employees were anticipated for the original business on that site. Gensel replied that the initial Environmental Impact Statement was based on the estimated square footage of the building.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P69-2005**  
**GENERAL REVENUE CORPORATION**  
**PRELIMINARY *SITE PLAN* AMENDMENT**  
**TAX PARCEL #57.03-2-12.1**

Resolution by: Ormiston

Seconded by: Muir

WHEREAS this Board has received an application from General Revenue Corporation, owner of tax parcel #57.03-2-12.1, for site plan amendment approval for expansion of the parking lot as shown on a site plan by Fagan Engineers, Project # 2005.073 dated July 26, 2005;

AND WHEREAS the property is located at 325 Daniel Zenker Drive in the Airport Business Development (ABD) District;

AND WHEREAS the current parking lot has 227 parking spaces, and the applicant proposes to enlarge the existing parking lot to include 587 total spaces in anticipation of the growth of the business;

AND WHEREAS the site plan shows the following information:

- Sheet #1 – Existing conditions showing large trees, drainage swale, building, drives and parking area,

- Sheet #2 – Proposed site modifications,
- Sheet #3 – Grading, and Utility plan, including drainage and lighting details,
- Sheet #4 – Erosion Control plan;

AND WHEREAS the following information was submitted:

- A letter from Fagan Engineers dated August 4, 2005,
- The maximum permitted lot coverage is 50%, and proposed lot coverage will be 43%,
- The square footage of the existing 2-story building is 60,000 square feet (30,000 per floor level),
- An area map identifying parcel numbers and owners,
- Traffic Volumes based on the Generic Environmental Impact Study (GEIS) for Airport Corporate Park (ACP);

AND WHEREAS a follow-up letter from Fagan Engineers, dated August 11, 2005, provided justification for not having a second drive;

AND WHEREAS Chapter 17.48.010 of the Town Municipal Code requires 2.5 parking spaces per 1000 square feet of floor space for office use, however, pursuant to Chapter 17.48.000 the maximum number of spaces permitted is 5 spaces per 1000 square feet;

AND WHEREAS pursuant to the above formula, the maximum number of spaces permitted pursuant to the code is 300; however, this Board may approve additional parking if such parking is determined to not adversely impact the aquifer or groundwater;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that this Board accepts the justification submitted by engineers and does not require the addition of a second drive;

AND FURTHER RESOLVED that this Board finds that the number of parking spaces required by the applicant is warranted by the anticipated number of employees, and that there will be no use that will adversely affect the aquifer or groundwater;

AND FURTHER RESOLVED that the adjacent property owners shall be notified of this application;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Planning Board;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 80.

CARRIED: AYES: Younge, Muir, Fleisher, Ormiston, Masler

NAYS: Piersimoni

ABSTAIN: None

ABSENT: Stewart and Esty



**BAMFORD PRO FITNESS  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-57**

Fleisher described and reviewed the proposed resolution. The Short Environmental Assessment Form was completed and a Negative Declaration issued. He asked for questions or comments:

Younge asked the following:

- Would the large tree in the front of the house remain? Fleisher replied that the applicant indicated at the Executive Committee that the tree would remain.
- If there are cars in all seven of the parking spaces is there adequate turn-around space available for exiting. Fleisher commented that one of the parking spaces includes the car in the garage.
- The application states that the facility would not be used for physical therapy. Younge asked what changes would have to occur if in the future the applicant offers physical therapy. Fleisher replied it would be considered a change in use; therefore, the applicant would be required to re-submit the change in use to the Board. He suggested that a condition be noted in the final approval that the applicant shall notify the Town of any change in use.

Ormiston asked for clarification of the sign. Fleisher replied that the existing sign and its location is to be used for the new business use. The other reader board sign shall be removed.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P70-2005  
BAMFORD PRO FITNESS  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-57**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS this Board has received an application from Janice Bamford, owner of Bamford Pro Fitness, for site plan approval for a personal service establishment business located on tax parcel #66.02-2-57 as identified in a letter dated July 10, 2005, and as shown on a site map received July 12, 2005;

AND WHEREAS the property is located at 481 Maple Street in the Town Center (TC) district;

AND WHEREAS the applicant has submitted a letter from the current property owners, Jerry and Maureen McNerny, granting permission to make this application;

AND WHEREAS there currently exists a one-unit dwelling, a barn, a 2-story accessory building, and a shed;

AND WHEREAS the applicant proposes to operate a personal training exercise facility on the second floor of the existing, 2-story accessory building which currently houses a commercial woodworking shop;

AND WHEREAS the facility will not be used for rehabilitative therapy;

AND WHEREAS the building is 1500 square feet per floor level and pursuant to the New York State Building Code, Section K604, the building is not required to have vertical accessibility as it is less than 3000 square feet per floor level; however, the site elements are required to be accessible;

AND WHEREAS pursuant to Chapter 17.48.010 of the Town Municipal Code, two parking spaces are required for a one-unit dwelling, and five parking spaces will be required for the proposed use, thereby requiring seven parking spaces on the parcel;

AND WHEREAS the applicant has submitted a revised site plan dated August 5, 2005, showing the following:

- Parking plan showing 7 spaces, including an access aisle for handicap parking,
- Existing sign that will be used for the new business use;

AND WHEREAS there exists a dusk-to-dawn light on the building that will be the only exterior light needed;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Health Department;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17.

CARRIED: AYES: Younge, Muir, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Esty

**SHOEMAKER EBAY SELL IT NOW  
PRELIMINARY AND FINAL *SITE PLAN*  
TAX PARCEL #66.02-2-47.1**

Fleisher described and reviewed the proposed resolution. He asked the Board for questions or comments.

Ormiston expressed his concern that the cemetery driveway would be used for the business. Coons replied that the applicant is installing a new drive. Fleisher suggested that a condition be placed on the resolution to close off access to the cemetery drive. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P71-2005  
SHOEMAKER EBAY SELL IT NOW  
PRELIMINARY AND FINAL *SITE PLAN*  
TAX PARCEL #66.02-2-47.1**

Resolution by: Muir

Seconded by: Fleisher

WHEREAS this Board has received an application from Kathleen F. Shoemaker for Site Plan approval for a *general business office* use on tax parcel #66.02-2-47.1;

AND WHEREAS the property is located at 5 Hibbard Road Extension South in the Town Center (TC) district;

AND WHEREAS the parcel is currently used as a single family dwelling, and the applicant proposes to convert the house to an office to be used as an Ebay drop off site;

AND WHEREAS the property is accessed by a driveway from the adjacent cemetery property and not directly from a public right-of-way;

AND WHEREAS pursuant to Resolution P46-2005, the applicant submitted a letter received June 30, 2005, stating the following:

- Hours of operation will be:
  - 10 am to 5 pm Monday, Wednesday and Friday
  - 10 am to 7 pm Tuesday and Thursday
  - 9 am to Noon on Saturday,
- Signage will comply with the Town Municipal Code,
- Lighting will be similar to residential usage,
- Parking will be adjacent to the existing garage, as shown on a map submitted with the letter,
- The applicant's attorney is still working on the legal issues concerning access to the property from the adjacent cemetery drive. If legal access cannot be achieved, the applicant will construct a new drive from Hibbard Road South onto her property;

AND WHEREAS the applicant has submitted a revised site plan received July 28, 2005, showing a new drive entering directly from Hibbard Road South, and the location of six parking spaces;

AND WHEREAS the Chemung County Planning Board, at its July 28, 2005 meeting, reviewed the application and recommended approval;

THEREFORE BE IT RESOLVED to approve the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED to accept the Preliminary Plan as the Final Plan, and the Final Plan is approved subject to the following conditions:

- The applicant shall install the new drive and parking spaces prior to beginning operation of the business.
- No outside storage of merchandise and/or inventory.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Esty

#### **DANDY MINI MART**

#### **CONCEPT *SITE PLAN***

#### **TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher described and reviewed the proposed resolution. He asked for questions or comments. Piersimoni asked where the MRB Group is located and who they are. Coons replied that they are located in Rochester and are experienced in working with municipalities and have a contact person in the Elmira area. The Department of Public Works Commissioner recommended them because he has worked with them before.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P72-2005  
DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX *PARCEL* #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.2 as shown on a drawing by Hawk Engineering, project #4012.03, dated 5/10/05;

AND WHEREAS this Board has determined the need for review service from a consultant, and estimates for such services have been received,

THEREFORE BE IT RESOLVED that this Board recommends the Town Board to enter into an agreement with the MRB Group for an amount not to exceed \$2500 to review drainage and all traffic movement on and off the site.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Muir, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart and Esty

**CHABOREK POLE BUILDING AREA VARIANCE  
ZONING REFERRAL  
TAX *PARCEL* #48.03-2-15.1**

Fleisher described and reviewed the proposed resolution. Fleisher commented that there has been a fair amount of controversy with this application and would like to extend an invitation to those in attendance an opportunity to discuss their comments, but reminded everyone that this is not a Public Hearing. Fleisher asked Dana Chaborek to speak first.

Dana Chaborek circulated a picture of the proposed garage to the Board. The garage he proposes would have a single overhead door vs. double doors as illustrated in the picture. He described the color, texture, location and the fact that it is a pole barn structure. He read and submitted to the Planning Board secretary a synopsis of his application.

Gary Lutomski acted as the spokesperson for those neighbors opposed to the application. Using the State Criteria as a guideline, he submitted an explanation of reasons for their concerns and the names and addresses of those that signed the petition.

George Rose, adjoining neighbor, submitted pictures of the neighborhood homes and the present character of the neighborhood. He asked the Board to especially note three of the properties: Quaqliana, Lutomski and his property.

Fleisher explained that the five criteria are State Law. However, an unfavorable answer in the five criteria for an area variance application can still allow a favorable recommendation by the Board.

On reviewing the five criteria the Board discussed the visual impact in length and determined that the project could have an adverse visual impact on the community. Masler added that

the significant slope to the rear portion of the proposed building area would require a large retaining wall that could also contribute to an adverse visual effect.

Younge asked if a shed presently exists. Chaborek replied yes and that he plans to keep the 8 x 12 ft. shed on the property.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P73-2005**  
**CHABOREK POLE BUILDING AREA VARIANCE**  
**ZONING REFERRAL**  
**TAX PARCEL #48.03-2-15.1**

Resolution by: Ormiston

Seconded by: Muir

WHEREAS the Zoning Board of Appeals has referred to this Board an application for an Area Variance from Dana Chaborek, owner of tax parcel #57.03-1-45, to construct an addition closer to the front lot line than permitted;

AND WHEREAS the property a corner lot is located at 608 Hillingdon Way in the Residential 1 (R1) district;

AND WHEREAS the applicant proposes to construct a 28' x 40' garage/workshop and breezeway at the southern part of the lot, attached to the house;

AND WHEREAS Chapter 17.16 of the Town Municipal Code requires a 40' setback from a front property line, and a portion of said structure will be located 20' from the property line;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

AND WHEREAS pursuant to Chapter 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals:

THEREFORE BE IT RESOLVED that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
Yes. The applicant could reduce the size or locate the structure elsewhere on the lot.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
Yes, because of the difference in type of structure compared to the surrounding neighborhood.
3. Is the request substantial?  
Yes. The request is for a reduction of the required setback by 50%. This Board has previously established an acceptable level of deviation from the code to be 10%.
4. Will the request have adverse physical or environmental effects?  
Yes, based on visual concerns.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board does not support construction of the addition as proposed, and recommends that the Zoning Board of Appeals consider approval with modification.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Muir, Young  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart and Esty

**RETIREMENT ESTATES  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX PARCEL # 48.03-2-15.1**

Fleisher described and reviewed the proposed resolution and asked for questions or comments. Ormiston asked if the owner was still F. Cole Development Co. Dave Young of Bergmann Associates, representing the applicant, replied that at this time F. Cole Development Co. was still the owner.

Younge asked about the water pipe issue. Fleisher explained that the original approved site plan included PVC piping. The Commissioner of the Department of Public Works is recommending that ductile iron pipe (D.I.P.) be used. The applicant is requesting that he be able to continue to use the PVC piping originally approved for this phase. Younge commented that changing the original plan is what initiated the concern from the Commissioner. Fleisher explained that the Executive Committee felt that the Board does not have the technical expertise to determine plastic or iron pipe, and that a letter from the Commissioner of the Department of Public Works be requested.

Marcus Mancini, one of the new owners-to-be and applicant stated the following:

- That he would be able to build the original approved 64 apartments with PVC,
- That the PVC piping has worked without problems for several years,
- The cost of installing the ductile iron pipe is \$25,000 – \$30,000 more than PVC piping even though they would be constructing only 15 single-family units vs. 64 apartments,
- That running hard copper into homes on a floating slabs to a water meter can be a problem and as an experienced contractor he would build the original 64 apartments before installing this potential problem.

Masler asked if this new plan has provided sufficient lot sizes for the potential buyers so that this Board should not expect setback variances as was the past practices. Mancini proposes large lots to accommodate the demand of larger units with two car garages. Mancini commented that the Commissioner of the Department of Public Works has not supplied this development with any specific requirements. It was his understanding that a list of specifics and the criteria would be provided at this meeting. The only thing that he has been told is to hire an engineer, which he has done. Fleisher requested the Director of Building Inspection and Code Enforcement to contact the Commissioner of the Department of Public Works to formally submit his requirements to the Board.

Mancini asked the Board who has the final say. Fleisher replied that the Board has the final say concerning the site plan based on input from the Commissioner of the Department of Public Works and the Director of Building Inspection and Code Enforcement. The Board needs to receive specific concerns and recommendations from those departments since the original site plan was approved.

There being no further questions or comments, Fleisher asked for a motion to accept the proposed resolution.

**RESOLUTION P74-2005  
RETIREMENT ESTATES  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* # 48.03-2-15.1**

Resolution by: Younge  
Seconded by: Muir

WHEREAS this Board has received an application from F. Cole Development Company, owner of tax parcel #48.03-2-15.1, commonly known as Retirement Estates, for site plan amendment approval for senior housing as shown on a plan by Bergmann Associates, Project Number 6714.01 dated August 9, 2005;

AND WHEREAS the property is located at 804 Sing Sing Road in the Senior Housing Planned Multiple Residential District (SHPMRD);

AND WHEREAS the applicant proposes to modify the design of Phase IV of the development, approved in 1998 pursuant to Resolution P26-98 for 64 apartment units and 3 single family residences, to permit the construction of 18 single family residences only;

AND WHEREAS there currently are two residences constructed on lots #153 and #154 pursuant to the original approval;

AND WHEREAS the applicant will construct the remaining portion of the road, known as Lazy Circle, and related infrastructure including water main, sanitary sewer main, and other utilities;

AND WHEREAS the water main will be dedicated to the Town of Big Flats upon completion and acceptance by the Town;

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that prior to completion of the environmental review, this application shall be forwarded to the following agencies for review and written comment:

- Commissioner of Public Works for the Town of Big Flats for review of the water supply system,
- Chemung County Sewer District for review of the sanitary sewer system,
- Chemung County Health Department for review of lot development and the water supply system.

CARRIED: AYES: Younge, Muir, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Esty

**SIMMONS-ROCKWELL  
PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Fleisher described and reviewed the proposed resolution. There being no questions or comments, Fleisher asked for a motion to accept the proposed resolution.

**RESOLUTION P75-2005  
SIMMONS-ROCKWELL  
PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS this Board has received an application from Simmons Rockwell for site plan amendment approval for a service center addition on tax parcel # 67.02-1-3, -4, -16, as shown on a site plan from Fagan Engineers, project 2003.060, dated April 4, 2004, revised August 4, 2005;

AND WHEREAS *parcel* #67.02-1-3 (1.495 acres), is vacant; *parcel* #67.02-1-4 (5.001 acres) presently consists of the existing dealership and *parcel* #67.02-1-16 (3.106 acres) presently consists of a drainage swale and former railroad *property*. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 9.602 acres;

AND WHEREAS the *applicant* has demolished the existing *buildings* on tax *parcel* #67.02-1-3 and proposes construction of a new 10,360 square foot service center to accommodate their new GMC operations and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Simmons-Rockwell, in a document submission package received April 7, 2004.

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot area* of three (3) acres;

AND WHEREAS the engineer has submitted a revised site plan showing the following:

- Location of 6" water supply line,
- Location of existing site lighting,
- Location of proposed signage (previously approved),
- Location of dumpster;

AND WHEREAS there is no change to the amount of proposed impervious surface, therefore the approved stormwater management plan is still valid;

AND WHEREAS the Chemung County Planning Board has reviewed this application during the initial approval, and it is not compulsory to send this application for additional review;

THEREFORE BE IT RESOLVED that this Board accepts the revised documentation as a Preliminary Plan;

AND FURTHER RESOLVED that this continues to be an Unlisted Action pursuant to SEQRA, and this Board finds that there is no change in the impacts associated with this project, and that the Negative Declaration issued pursuant to Resolution P68-2004 is still valid;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to all conditions issued pursuant to Resolution P68-2004.



CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Muir, Young

NAYS: None

ABSTAIN: None

ABSENT: Stewart and Esty

**MEMBERS COMMENTS:**

**CORRESPONDENCE:**

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 9/8/2005 9:56:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF SEPTEMBER 27, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Lee Younge  
Carl Masler  
Alternate – Lance Muir

Absent - Scott Esty  
Absent - Bill Stewart  
Absent - James Ormiston

Guests: Donna Harabin, Robert Rohde, Kip Burlew, Les Lewis, Paul Smith, Jeff Wilmington, Jamie Gensel, Tom Clark, Mike Sate, Mike Lenhardt, Ching-kee Chien, Jill Lewis, George Miner

Staff: Dean Frisbie and Chuck Coons

**AGENDA**

The Board agreed to the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of September 6, 2005. Piersimoni suggested a correction. Muir made a motion to accept and approve the minutes of September 6, 2005 as corrected, seconded by Masler. Ormiston, Esty and Stewart were absent. Fleisher, Piersimoni, Younge, Masler and Muir were in favor, motion carried.

**GENERAL REVENUE CORPORATION (GRC)  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #57.03-2-12.1**

Fleisher reviewed the proposed resolution and asked for questions and comments:

**Proposed fence as a barrier between GRC and existing neighborhood**

- Masler suggested a change to the proposed resolution to clarify that the fence is to be located on the north end of the parking lot vs. on the property line.
- Les Lewis adjacent property owner (1 S. Wheaton Rd.) requested to review the exact location of the fence. Using the site plan drawings, Jamie Gensel of Fagan Engineers, representing the applicant, pointed out that the proposed fence line is to extend in an east to west direction to the property line and is south of the existing gas line easement. He questioned that the east end of the fence appears to have a bend in the fence line, but not the west end. Gensel replied that five Austrian pine trees would be planted at the west end of the fence line to give the same effect as the east end.
- Dean Frisbie, 51 Cayuga Drive, expressed his concern that the white color of the fence would detract from the present natural barrier. Gensel replied that the white vinyl fence

was proposed to screen car headlights, providing a physical barrier from the adjacent neighborhood, and offers GRC a low maintenance option.

- Jeff Wilmington, Chief Administrative Officer for GRC asked if the color of the fence was the issue. Frisbee replied that the color would create a high visibility. Fleisher advised that Gensel discuss the palette of the fence with the applicant and consider a color that would be suitable.
- Kip Burlew, adjacent property owner on 44 Algonquin Drive, asked if Austrian Pines could be planted in the area between the fence and the neighborhood. Gensel replied that they checked into that possibility and that the owners (Dominion) of the gas easement would not allow trees within 20 feet of the easement.

#### **Drainage**

- Les Lewis inquired about the existing drainage ditch. Gensel replied that drainage would be collected from the drainage ditch and piped under the parking area.
- Les Lewis asked if the drainage is also to be piped from the west property line. Gensel replied no because it can be drained to daylight.
- Les Lewis asked who is going to oversee the drainage aspect. Gensel replied that they have been asked to meet with Larry Wagner, the Big Flats Commissioner of Department of Public Works for review and approval. Any problems with drainage can be referred to the New York State Department of Conservation; however, the project will require that the drainage be maintained on site.

#### **Parking lot size**

- Kip Burlew inquired as to the proposed number of parking spaces. Gensel replied that 553 is the total number of parking spaces. Burlew commented that the lighting would be double from what exists now.
- Dean Frisbie asked how many parking spaces exist presently, and when does GRC expect to complete employment of 553. There are 227 parking spaces. Wilmington replied that 275 employees have been hired since opening in March 2005, and that full employment is to be completed within the next twelve months.
- Frisbie asked if offsetting the hours by 30 minutes was being considered. Wilmington replied that the proposed hours are to be staggered shifts from 7:30 a.m. to 8 p.m.
- Frisbie questioned why there is a need for 553 parking spaces when the employees would not be present at the same time. Wilmington replied that there is a peak time from 10 a.m. to 6 p.m.

There being no further questions or comments, the Short Environmental Assessment Form was completed and the resolution adopted.

#### **RESOLUTION P80-2005**

#### **GENERAL REVENUE CORPORATION**

#### **FINAL *SITE PLAN* AMENDMENT**

#### **TAX PARCEL #57.03-2-12.1**

Resolution by: Younge

Seconded by: Masler

WHEREAS this Board has received an application from General Revenue Corporation, owner of tax parcel #57.03-2-12.1, for site plan amendment approval for expansion of the parking lot as shown on a site plan by Fagan Engineers, Project # 2005.073 dated July 26, 2005;

AND WHEREAS the property is located at 325 Daniel Zenker Drive in the Airport Business Development (ABD) District;

AND WHEREAS the current parking lot has 227 parking spaces, and the applicant proposes to enlarge the existing parking lot to include 553 total spaces in anticipation of the growth of business;

AND WHEREAS this Board has found that the additional parking spaces that exceed the maximum allowable number of spaces is justified by the number of employees anticipated to be employed by the applicant;

AND WHEREAS at the September 6, 2005 meeting, residents of the Maple Shade subdivision expressed concerns regarding lighting, safety, and further encroachment of the commercial development upon the residential neighborhood;

AND WHEREAS in a letter dated September 12, 2005, Jamie Gensel of Fagan Engineers responded to concerns from the residents as follows:

- Adjacent property owners have declined requests to allow shared use of their parking lots,
- The number of parking spaces being requested is required for the anticipated number of employees,
- The construction of the parking lot will be completed in one phase,
- Due to legal considerations, the parking lot lighting will be not be phased,
- A 6' high solid vinyl fence will be constructed at the north end of the parking lot to provide a visual barrier,
- 12" metal shields will be installed on all perimeter lighting,
- A timer will be utilized to turn off parking lot lights when not in use;

AND WHEREAS the Chemung County Planning Board, at its September 15, 2005 meeting, recommended approval of the application subject to any conditions imposed by this Board;

THEREFORE BE IT RESOLVED that this Board finds that the information received is sufficient to complete the environmental review;

AND FURTHER RESOLVED that this Board finds that the concerns of the residents of Maple Shade regarding lighting and safety have been mitigated by the installation of the solid fence, the installation of shields on the lights, and the planting of Austrian pine trees, and therefore determines there to be no potential adverse environmental impacts associated with this development, and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final Plan;

AND FURTHER RESOLVED the Final Plan is approved subject to the following conditions:

- The fence shall be installed and maintained in perpetuity.
- All plantings shall comply with Chapter 17.36.200 of the Town Municipal Code. All plantings shall be maintained in perpetuity.
- Construction activities that by their nature exceed decibel levels allowed by Chapter 17.36.260 of the Town Municipal Code shall occur only between the hours of 7:30 a.m. to 6 p.m. Monday through Saturday.
- Dust and dirt produced from construction activities shall be controlled by acceptable best management practices.
- Prior to start of construction the applicant shall submit a copy of the Notice of Intent (NOI) and a copy of the SPDES Permit.

CARRIED: AYES: Younge, Muir, Fleisher, Masler

NAYS: Piersimoni

ABSTAIN: None

ABSENT: Esty, Stewart, Ormiston

**TELCO FEDERAL CREDIT UNION  
PRELIMINARY SITE PLAN  
TAX PARCEL #58.03-1-54.2**

Fleisher described and reviewed the proposed resolution and asked the Board for questions or comments:

Piersimoni asked Jamie Gensel of Fagan Engineers to explain the discrepancy between the square footage submitted on the application vs. the square footage submitted in the letter to the Planning Board. Gensel replied that the separation of phases was the reason for the discrepancy.

In reference to the hiring of a consultant by the Town to review the project, Gensel offered the following comments:

- He agrees that traffic is an issue on County Route 64, but questions any change in the traffic pattern considering that this site only proposes approximately 150 additional cars per hour.
- The Traffic Study confirmed that the existing drive would not require signalization and that the Chemung County Department of Public Works would have to approve any other changes to the highway structure.
- An additional consultant would only cost the applicant additional time and money. Fleisher replied that it has been determined that all development on County Route 64 would require a consultant to represent Town interests.

Younge asked Gensel why his client objects to the Town hiring a consultant.

- Gensel replied:
  - Time and the cost in bringing a new consultant up to speed.
  - Delaying the project's planned winter start.
  - Multiple consultants can create opposing opinions.

Fleisher reminded Gensel that the applicant's timetable is not necessarily the Planning Board's timetable. He stated that a review of the traffic study should answer the Town's concerns. Fleisher instructed the Director of Building Inspection and Code Enforcement to be clear to the consultant that the study needs to be thorough but expedited in a reasonable timetable.

Muir inquired if MRB has been given a time element and that direction needs to be given to our consultant. Coons replied that he would discuss the time element with the consultant, but does not think three weeks between meetings would be sufficient time.

Coons expressed concerns with the left-hand turns into the site from County Route 64. Gensel replied that the County could require that a left-hand-turn lane, but he does not feel that it is required.

Frisbie thanked the Board for pursuing a consultant on this project and referred to a problem on Sing Sing Road in which the County was responsible for an intersection that still is being corrected.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P81-2005**  
**TELCO FEDERAL CREDIT UNION**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #58.03-1-54.2**

Resolution by: Masler

Seconded by: Piersimoni

WHEREAS this Board has received an application from Telco Federal Credit Union for site plan approval for an office building located on tax parcel #58.03-1-54.2, as shown on a drawing by Fagan Engineers, Project #2005.057 dated August 22, 2005;

AND WHEREAS the property is located between County Route 64 and Fisherville Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct a 8100 square foot office building for use as a bank, and to construct a 5100 square foot addition for future leased office space;

AND WHEREAS the proposed construction will have one entrance/exit onto County Route 64, and two entrance/exits onto Fisherville Road;

AND WHEREAS a stormwater basin is proposed on site;

AND WHEREAS there exists a 30-foot wide natural gas easement, owned by NYSEG, on the western portion of the property;

AND WHEREAS the engineer for the applicant submitted revised drawings pursuant to Resolution P79-2005, showing the following:

- Location of proposed lighting,
- Location of drive-thru canopy,
- Location of freestanding sign,
- Zoning information including required number of parking spaces and lot coverage;

AND WHEREAS the applicant does not require a need for a dumpster therefore, one is not provided for in the site plan;

AND WHEREAS the applicant has submitted a Traffic Impact Study dated September 14, 2005;

THEREFORE BE IT RESOLVED this Board accepts the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Sewer Department, Chemung County Planning Board, Chemung County Health Department and New York State Department of Transportation;

AND FURTHER RESOLVED that this Board finds that due to the increased development occurring on County Route 64 east of Chambers Road, any additional project may have a potentially significant adverse effect on traffic, drainage and utility usage, and this Board requires the services of a consultant to review all elements of the submitted site plan, especially traffic related issues;

AND FURTHER RESOLVED this Board directs the Director of Building Inspection and Code Enforcement to contact the MRB Group to obtain a quote for such review services, and pursuant to Chapter 2.12 of the Town Municipal Code the applicant shall deposit with the Town the required funds to pay for such review services.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Younge

NAYS: None

ABSTAIN: None

ABSENT: Esty, Stewart, Ormiston

**BAMFORD PRO FITNESS  
FINAL SITE PLAN  
TAX PARCEL #66.02-2-57**

Fleisher described and reviewed the proposed resolution and asked the Board for questions or comments. There being none, he asked for a motion to adopt the resolution.

**RESOLUTION P82-2005  
BAMFORD PRO FITNESS  
FINAL SITE PLAN  
TAX PARCEL #66.02-2-57**

Resolution by: Muir

Seconded by: Younge

WHEREAS this Board has received an application from Janice Bamford, owner of Bamford Pro Fitness, for site plan approval for a personal service establishment business located on tax parcel #66.02-2-57 as identified in a letter dated July 10, 2005, and as shown on a site map received July 12, 2005;

AND WHEREAS the property is located at 481 Maple Street in the Town Center (TC) district;

AND WHEREAS the applicant has submitted a letter from the current property owners, Jerry and Maureen McNerny, granting permission to make this application;

AND WHEREAS there currently exists a one-unit dwelling, a barn, a 2-story accessory building, and a shed;

AND WHEREAS the applicant proposes to operate a personal training exercise facility on the second floor of the existing, 2-story accessory building which currently houses a commercial woodworking shop;

AND WHEREAS the facility will not be used for rehabilitative therapy;

AND WHEREAS the building is 1500 square feet per floor level and pursuant to the New York State Building Code, Section K604, the building is not required to have vertical accessibility as it is less than 3000 square feet per floor level; however, the site elements are required to be accessible;

AND WHEREAS pursuant to Chapter 17.48.010 of the Town Municipal Code, two parking spaces are required for a one-unit dwelling, and five parking spaces will be required for the proposed use, thereby requiring seven parking spaces on the parcel;

AND WHEREAS the applicant has submitted a revised site plan dated August 5, 2005, showing the following:

- Parking plan showing 7 spaces, including an access aisle for handicap parking,
- Existing sign that will be used for the new business use;

AND WHEREAS there exists a dusk-to-dawn light on the building that will be the only exterior light needed;

AND WHEREAS the Chemung County Planning Board, at its September 15, 2005 meeting, returned the application for local determination;

THEREFORE BE IT RESOLVED to approve the documents submitted as a Preliminary Plan;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final Plan, and the Final Plan is approved subject to the following conditions:

- The parking area shall be installed prior to beginning operation of the business.
- Only one sign is approved for this business. The reader board sign shall be removed.

CARRIED: AYES: Younge, Muir, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Esty, Stewart, Ormiston

**WAWRZUSIN AREA VARIANCE REFERRAL  
TAX PARCEL #67.00-1-5**

Fleisher described and reviewed the proposed resolution and asked for questions or comments: Raymond Wawrzusin, applicant, commented that the house is a pre-constructed house that gives little ability for expansion; therefore, they would like to expand the garage to be used as a woodworking and art supply area. This detached garage would be in keeping with the same architectural design of the existing house. Considering the location and size of the lot the Board recommended that the Zoning Board of Appeals consider approval of this area variance.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P83-2005  
WAWRZUSIN AREA VARIANCE REFERRAL  
TAX PARCEL #67.00-1-5**

Resolution by: Muir

Seconded by: Piersimoni

WHEREAS the Zoning Board of Appeals has referred to this Board an application for an Area Variance from Raymond and Carolyn Wawrzusin, owner of tax parcel #67.00-1-5, to construct an addition to an existing garage that will be greater in area than permitted as shown on a survey map submitted by the applicant;

AND WHEREAS the property is located at 792 Harris Hill Road in the Residential 1 (R1) district;

AND WHEREAS the parcel is 3.814 acres, and the proposed addition will be located approximately 150' from the road;



AND WHEREAS the applicant proposes to construct a 14' x 24' (336 square feet) addition to the existing 24' x 24' (576 square feet) garage, thus creating a 912 square foot structure;

AND WHEREAS Chapter 17.40.020 of the Town Municipal Code permits the maximum area of one accessory structure to be 750 square feet;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

AND WHEREAS pursuant to Chapter 17.60.070 of the Town Municipal Code, the Planning Board is required to report its findings and recommendation to the Zoning Board of Appeals:

THEREFORE BE IT RESOLVED that this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the Town Municipal Code:

1. Can the benefit be achieved by other means feasible to the applicant?  
No. The construction of an addition to the house is prohibited based on the design of the house.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No. The addition to the garage will not be visible from the road or adjacent residences.
3. Is the request substantial?  
Yes, The request is for an increase of 22% of the allowable building size. This Board has previously established an acceptable level of deviation from the code to be 10%
4. Will the request have adverse physical or environmental effects?  
No because of the size and location of the property.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board determines that the construction of the proposed addition will not have an adverse effect as the property is large enough to accommodate a larger structure and the structure will not be visible from the road, and therefore recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Muir, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Esty, Stewart, Ormiston

#### **MEMBERS COMMENTS:**

- Coons commented that he spoke with Tim Von Neida of the Chemung County Department of Public Works regarding the Target Development and the traffic concerns on County Route 64 east of Chambers Road. Von Neida is reviewing the proposed traffic plan for Target, paying attention to the elevations to be certain there will be no visibility problems similar to those at Taco Bell.
- Frisbie added that the new traffic control on Sing Sing Road is a bad example of the Chemung County Department of Public Works traffic control.
- Coons reminded the Board of the Planning Seminar that will be held on November 1, 2005.

Meeting adjourned at 7:19 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 11/3/2005 8:51:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF OCTOBER 18, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Alternate – Lance Muir

Absent - Lee Younge

Guests: Donna Harabin, Robert Personius, Jamie Gensel, Robert Rohdz, Dave Young, Clay Ambrose, Kirk Vieselmeyer, Ron Panosian, Ron Sherman, Mark Watts

Staff: Chuck Coons, Mary Ann Balland

**AGENDA**

The Board agreed to the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of September 27, 2005. Muir made a motion to accept and approve the minutes of September 27, 2005 as corrected, seconded by Piersimoni. Younge was absent. Fleisher, Piersimoni, Masler, Esty, Stewart, Ormiston and Muir were in favor, motion carried.

**TELCO FEDERAL CREDIT UNION  
PRELIMINARY SITE PLAN  
TAX PARCEL #58.03-1-54.2**

Fleisher described and reviewed the proposed resolution and opened the floor for questions or comments.

Robert Rohde, Chairman of the Board of Telco Federal Credit Union, explained that Telco provide low rates of interest for their customers. Its customers are its owners, so for the convenience of their members, Telco chose to build its main office on County Route 64 and operating hours would be to 4:30 p.m. minimizing any peak-hour traffic impact.

Fleisher introduced Ronald Sherman of the MRB Group, review consultant for the Town. He explained that MRB has begun a preliminary study of the project and has presented findings to the Board with the exception of traffic issues.

Sherman explained that his scope is to review this application for compliance with the local development requirements in the following areas:

- All proposed utilities and grading,
- Compliance with Phase II stormwater,

- Engineering reports and other submitted data,
- Aspects of lighting, including fixture types, intensity, limits of illumination, hours of operation,
- General building location and traffic flow patterns, curb cut locations and other site conditions.

His initial review of the conceptual-preliminary drawings indicated that traffic is a major issue but that a number of issues can be easily addressed.

- It is his understanding that Town officials and the County discussed that access be from Fisherville Road.
- That he has visited the site and observed a large traffic flow on County Route 64. He understands that the proposed operating hours may not create a large impact, but feels that multiple curb cuts may cause problems. He agrees with the concerns of the Commissioner of Chemung County Department of Public Works that quick stops may cause accidents. He assured the Board that the traffic issue will be reviewed closely and that a determination be submitted to the Board.

James Gensel of Fagan Engineer, representing the applicant explained that the original documentation included eliminating all left-hand turns out of the site on County Route 64 and that a Traffic Impact Study was submitted. He asked for an evaluation of the documentation submitted to this point.

Gensel explained that the Traffic Impact Study showed that this intersection would perform at an adequate level of service. He asked what additional information the Planning Board needs to prevent further delays to this application. He offered to provide a left-turn Warrant Analysis if the Board requires. He feels that there seem to be differences between what the County is telling the Town versus what he has been told by the County concerning its stance on curb cuts and left-hand-turns onto County Route 64. The Commissioner of the Chemung County Department Public Works told him that he does not want two drives off Fisherville Road if there is a drive onto County Route 64. Therefore, he is requesting documentation from the County prohibiting an entrance to County Route 64.

Esty arrived at 6:40 p.m.

Masler commented that at the Board's request the Consultant for the Town is to review the Telco traffic concerns. He questioned Telco's hours of operation to 4:30 p.m. and commented that it is his understanding that their hours could extend to 6:30 p.m. Gensel replied that the Traffic Study assumed the peak hours of 4:30 – 5:30 p.m.

Masler commented that there is additional office space proposed and at this time no tenant has been identified, so their hours and traffic count cannot be estimated at this time. Gensel replied that the Trip Generation Report was based on the bank, the square footage of the total office space and the assumption that the bulk of the traffic would be approaching east bound. which is expected to create additional potential for left-hand turns.

Fleisher asked Chuck Coons, the Director of Building Inspection and Code Enforcement, if the County has a similar position on ingress and egress onto County Route 64 with the Town of Horseheads. Coons replied that he is not aware of any determination between Chemung County and Horseheads, but does not see what bearing this would have on this particular stretch of road.

Piersimoni commented that the proposed Horseheads project must be considered. Fleisher replied that in the interest of equality the County's stance against ingress and egress onto County Route 64 should apply to any project on County Route 64, including Horseheads

Gensel again stated that he needs a direction to respond. Fleisher replied that it is incumbent on the Board to request the consultant for the Town to complete the Traffic review. Gensel expressed his concern with the delay. Sherman replied that MRB would expedite the traffic analysis as soon as possible. Gensel replied that a timely manner is important to the applicant. In order to be placed on the November 8<sup>th</sup> agenda changes are required at least 7 days prior to the Planning Board meeting. Sherman replied that the analysis would start immediately and he would work with Fagan Engineers.

Gensel again asked for written documentation from the County prohibiting access onto County Route 64. Ormiston commented that he would prefer that the County put its preference in writing. Fleisher commented that he is uncomfortable with the ambiguity. He would prefer that the Town and County implement this decision at a date certain and not penalize projects under way.

Stewart asked about the statement "single ownership" and if the project were a dual ownership would an entrance on County Route 64 be allowed? Coons replied that a single ownership means a single lot.

Donna Harabin, member of the Board of Directors of Telco Federal Credit Union, commented that its application has been submitted for several months and that they were not informed about traffic issues until just recently; it may have affected the determination to purchase of the property. Telco agreed to pay for the Traffic Review and that it is interested in cooperating with the traffic concerns.

Comments from the Board included:

- Tabling the application pending further documentation concerning the traffic determination from the County and Consultant for the Town.
- That County Route 64 be dealt with in its entirety and not be treated as an individual project.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P84-2005**  
**TELCO FEDERAL CREDIT UNION**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #58.03-1-54.2**

Resolution by: Lance  
Seconded by: Piersimoni

October 18, 2005

WHEREAS this Board has received an application from Telco Federal Credit Union for site plan approval for an office building located on tax parcel #58.03-1-54.2, as shown on a drawing by Fagan Engineers, Project #2005.057 dated August 22, 2005, revised September 12, 2005, revised October 7, 2005;

AND WHEREAS the property is located between County Route 64 and Fisherville Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct an 8100 square foot office building for use as a bank, and to construct a 5100 square foot addition for future leased office space;

AND WHEREAS the proposed construction will have one entrance/exit onto County Route 64, and two entrance/exits onto Fisherville Road;

AND WHEREAS a stormwater basin is proposed on site;

AND WHEREAS there exists a thirty foot wide natural gas easement, owned by NYSEG, on the western portion of the property;

AND WHEREAS in a correspondence dated October 11, 2005, Tom Kump, Chemung County Health Department stated no objection to the Town as Lead Agency;

AND WHEREAS the engineer for the applicant submitted revised drawings dated October 7, 2005 showing the following:

- Location of dumpster,
- Addition of a concrete sidewalk along the rear of the building;

AND WHEREAS the MRB Group has begun preliminary study of the project and has presented its findings to this Board excepting for review of traffic issues;

AND WHEREAS Town of Big Flats officials, including the Director of Building Inspection and Code Enforcement and the Commissioner of Public Works, have met with Chemung County officials and New York State Department of Transportation officials regarding the traffic concerns on County Route 64, especially unsignalized turns, and have determined that any turns from or onto County Route 64 from a lot held in single ownership will be prohibited in the interest of public safety;

THEREFORE BE IT RESOLVED this Board accepts the preliminary report from MRB Group and directs MRB Group to review the Traffic Impact Study;

AND FURTHER RESOLVED that the applicant shall submit ten (10) copies of a revised site plan showing the following:

- Responses to the review comments from the Consultant for the Town,

AND FURTHER RESOLVED that this application be tabled pending review of the Traffic Impact Study by the MRB Group, and pending receipt of written comments from Tim VonNeida, Chemung County Public Works Commissioner, regarding drives onto County Route 64.

CARRIED: AYES: Muir, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Younge

**DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Fleisher described and reviewed the proposed resolution and opened the floor for questions or comments:

Ronald Sherman of MRB Group and consultant for the Town presented that the project is doable but that there are issues that need to be addressed, especially traffic. The expansion of the site places the project in close proximity to Main Street. No Traffic Study has been provided to MRB. He understood that a corridor Traffic Study by New York State Department of Transportation (DOT) was done on Route 352. He recommends that the Traffic Study needs to include Bottcher's Landings, all existing entrances and potential future developments. A representative of Dandy Mini Mart was not present. Sherman offered to discuss his concerns with the applicant directly.

Sherman explained that a traffic analysis would determine:

- What is required of traffic on NYS Route 352 and to adjust the entrances and site plan accordingly,
- If a turn lane is required with a location relative to Main Street
- The traffic impact to the entrances,

Sherman suggested that the site plan be submitted to the New York Department of Transportation to review the impact of the site development on traffic and adjoining intersections as far west as South Corning Road.

Ormiston commented that this stretch of road is very busy and at one time there was a discussion of a service road in that area and he would like to know if this concept is still being considered. He suggested a roundabout, and a request for a reduction of the speed limit.

Esty asked if the County has submitted any feedback regarding this application. Coons replied that at the Transportation Meeting, the DOT and the Chemung County Department of Public Works were in attendance and discussed the project's effect on Main Street and that County Route 64 (Main Street) intersection already contains a "very tight turning lane". Since the Transportation Meeting, Ronald Sherman, Mike Simon (from MRB Group) and Coons visited the site and have since submitted their preliminary review.

There being no further questions or comments, Fleisher asked for a motion to adopt the proposed resolution.

**RESOLUTION P85-2005  
DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX PARCEL #76.00-2-10.2 and #76.00-2-10.111**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS this Board has received an application from Williams Oil and Propane, owner of Dandy Mini Mart, for site plan approval for construction of a new building to be located on tax parcels # 76.00-2-10.111 and 76.00-2-10.2 as shown on a drawing by Hawk Engineering, project #4012.03, dated 5/10/05;

AND WHEREAS the property is located at 3149 State Route 352 in the Business Neighborhood (BN) district;

AND WHEREAS the existing building is located on tax parcel #76.00-2-10.2, and tax parcel #76.00-2-10.111 is a vacant lot;

AND WHEREAS the applicant proposes to demolish the existing convenience store and gas-dispensing island, and construct a new building that will contain a convenience store with sandwich and pizza sales, a bank with drive-thru, and new gas-dispensing island;

AND WHEREAS the applicant has submitted a Stormwater Pollution Prevention Plan dated June 2005;

AND WHEREAS the applicant intends to merge the two parcels to permit construction of one building;

AND WHEREAS the adjoining property owners will be notified of this application;

AND WHEREAS in a letter dated August 8, 2005, the New York State Department of Transportation stated that their review of the project would not begin until the applicant applied for a Highway Work Permit;

AND WHEREAS the MRB group, as Consultant for the Town, has completed a preliminary study of the proposed project and has presented its findings in a letter dated October 7, 2005;

THEREFORE BE IT RESOLVED this Board accepts the preliminary report from MRB Group;

AND FURTHER RESOLVED the applicant shall submit ten (10) copies of a revised site plan showing the changes required by the findings of the Consultant for the Town.

AND FURTHER RESOLVED that the applicant submit a Traffic Impact Study to determine the impacts of site development on highway traffic and adjacent intersection including:

- County Route 64 (Main Street) and New York State Route 352,
- County Route 10 (Old Corning Road) and New York State Route 352.

AND FURTHER RESOLVED that the MRB Group shall review the Traffic Impact Study provided and submit written determinations:

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Esty, Stewart, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Younge

**WATTS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #76.00-2-30**

Fleisher described and reviewed the proposed resolution and a Short Environmental Assessment Form was completed. He asked for questions or comments.

Piersimoni asked that a condition be added that no construction be started until the access road has been completed. Fleisher replied that the condition would be added to the final resolution.

Esty asked the applicant the reason for getting approval for a subdivision prior to the access road being completed. Mark Watts, the applicant, replied that he wants to have it finalized to avoid possible opposition from future property owners in the adjacent subdivision under development.

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P86-2005  
WATTS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #76.00-2-30**

Resolution by: Stewart

Seconded by: Masler

WHEREAS this Board has received an application from Mark E. Watts, owner of tax parcel # 76.00-2-30, for subdivision approval of this 83.2 acre parcel as shown on a survey map by Bergmann Associates, Project Number 6645.01, dated 8/23/05;

AND WHEREAS the property is located at 2866 State Route 352, and the portion of land being subdivided is in the Rural (RU) district;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel W1 being 3.45 acres containing vacant land,
- Parcel W2 being 3.2 acres containing vacant land,
- Remainder of the parcel being 76.55 acres containing a one unit dwelling and accessory structures;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Rural (RU) district is three acres;

AND WHEREAS the adjoining property owners shall be notified of this *application* pursuant to the Rules of the Planning Board;

AND WHEREAS parcels W1 and W2 do not have direct access to a public or private right-of-way. However a public road will service these parcels once the adjacent approved subdivision, Soaring Ridge, is developed;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to:

- Chemung County Health Department,
- Big Flats Fire Department,
- Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;



AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of New York State Route 352;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for November 29, 2005.

CARRIED: AYES: Muir, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Younge

***DALRYMPLE SUBDIVISION***  
**PRELIMINARY AND FINAL PLAT**  
**TAX PARCEL #58.03-1-54**

Fleisher described and reviewed the proposed resolution and the Short Environmental Assessment Form was completed. He asked for questions or comments. There being none, he asked for a motion to adopt the resolution.

**RESOLUTION P87-2005**  
***DALRYMPLE SUBDIVISION***  
**PRELIMINARY AND FINAL PLAT**  
**TAX PARCEL #58.03-1-54**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS this Board has received an application from Dalrymple Gravel and Contracting Co., Inc., for subdivision approval of Tax Parcel #58.03-1-54, as shown on a survey map by Weiler Associates, Job No. 13530.01 dated March 3, 2005, revised July 14, 2005;

AND WHEREAS the property is located on County Route 64 east of Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the applicant proposes to subdivide an irregular shaped 1.679 acre parcel from the parcel containing the existing construction company, and said parcel will contain the stormwater management system constructed for the adjacent Big Box retail development site;

AND WHEREAS the subdivided parcel will be merged with Tax Parcel # 58.03-1-53;

AND WHEREAS Chapter 16.04.020(K) of the Town Municipal Code permits the Planning Board to waive normal subdivision procedures if the proposed action consists solely of the simple alteration of lot lines;

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted as a Preliminary Plat;

AND FURTHER RESOLVED that this Board waives the requirement for a Public Hearing pursuant to Chapter 16.04.020(K) of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plat is accepted as the Final Plat, and the Final Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map in the form on one Mylar and three copies to the Planning Board secretary survey showing the subdivided parcel merged with Tax Parcel # 58.03-1-53.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Muir, Esty, Stewart, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Younge

#### MEMBERS COMMENTS:

- Mary Ann Balland, Town Supervisor, addressed the Board to inform them that the Town is in the process of hiring a Planner. The interview process would start in a couple of weeks and hopefully have the person on board before the beginning of the year. A planner is necessary because:
  - The Director of Building Inspection and Code Enforcement is inundated in that office and needs to pay closer attention to code enforcement because of all the projects.
  - The meetings held at the County with Mike Krusen, Tom Santulli and Tim Von Neida expressed their concerns with multiple driveways onto County Route 64 and reinforced the need for the Town of Big Flats to hire a Planner.
  - The Town Board is in the hiring process and offered to have a few of the final candidates meet with the Planning Board. She will provide a list of questions and invite the Planning Board to submit its questions. Fleisher asked if a job description has been written. Balland replied that she would provide the Chair with the job description and the resolutions leading to the hiring.
- Balland commented on the traffic concerns for County Route 64:
  - The County ultimately leaves decisions up to the Town Planning Board.
  - Horseheads is less concerned with the traffic.
  - She will be meeting with Mike Edwards, Supervisor for Horseheads, on November 19, 2005 to discuss traffic concerns and offered to arrange for him to address the Board.
  - She stated that the onus for controlling the traffic on County Route 64 probably will fall onto the Planning Board.
- Stewart asked who is to pay for the proposed service road in relationship to the Kent Brown/Target area? Balland replied that it was suggested that Target could be approached for part of the expense of the service road and that the Town would meet with Kent Brown and the Food Bank to compensate them toward the expense of the service road. Stewart commented that opening up Fisherville Road could create future issues because that will encourage additional businesses that will travel on County Route 64. Coons commented that he has been in contact with the State and County DOT and Laberge in reference to the service road and that they feel it is a good plan and stated that the Board could place reasonable restrictions on a site plan. Fleisher replied that the

Board needs a basis for why reasonable restrictions are added to a site plan, such as a review of the traffic analysis or a written statement from the Chemung County Commissioner of Department of Public Works.

- Esty commented that the Supreme Court has allowed eminent domain to be used by a Town for development and safety reasons. Perhaps a service road between Consumer Square and Target should be considered in order to utilize the traffic light. Balland requested Coons to direct that question to the Attorney for the Town.
- Ormiston requested that the Mobil Gas Station on Chambers Road be researched as to “no left hand turns”.
- Mary Ann Balland commented that the intersection at Dandy Mini Mart intersection needs review considering the amount of fender-bender accidents at that intersection.
- Fleisher commented that he would like to see a date set for the Town to enforce the moratorium in reference to drives on County Route 64. Balland replied that Telco’s application is under review; therefore, the request should start here and fortunately for Telco, it would have an alternative means of ingress/egress.
- Stewart commented that Simmons-Rockwell is using the lot approved for a service building for sales and tasked to have the Board’s decision enforced.
- Balland commented that the Hungerford Building is going up for Sheriff’s sale October 27, 2005.
- Stewart commented that he would like an update on the Town’s Comprehensive Plan in relation to the Town Center. Coons replied that he just received the final draft and goals that are being distributed to the committee and the technical recommendations are coming in for changes to our code. Stewart asked if the zoning had been broadened. There are areas in the Town that could be offered to developers to prevent congestion on County Route 64. There are two NYS highway ramps in the Town with a large quantity of land undeveloped. Balland replied that the results of the study from Laberge concluded that people do not want sprawl throughout the Town. She will provide a copy of the study to the Planning Board secretary to be distributed to the Board.
- Fleisher notified the Board that he will not attend the next Planning Board Executive Committee meeting, November 3, 2005. He also commented that the Executive Committee meeting scheduled for November 24, 2005 will have to be rescheduled due to the holiday.
- Muir commented that he would like Planning Board information on a more timely basis. The secretary replied that the Executive Committee meets on the Thursday before the Board meeting, thereby leaving only Friday to distribute the approved information by the Executive Committee. Preliminary packages are available by Thursday afternoon. However, information is being submitted continuously right up to meeting dates. She submits all information received by the Board but understands that members have the right to abstain if the material is received after the deadline date, which is at least a week before the scheduled meeting. She recommends that a more rigid deadline be held for the applicant to be allowed on the agenda.
- Fleisher reminded the Board that November 1, 2005 is the NYS Dept. of State Training for Local Officials.
- Coons thanked Ronald Sherman and welcome the MRB Group. He explained that Sherman lives locally so he is familiar with the area and that his firm works with 60 municipalities. Sherman commented that 40 of the 60 municipalities have been with the company for 30-40 years. He invited the Planning Board to submit comments and questions to MRB.

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Meeting adjourned at 8:20 P.M.

October 18, 2005 Planning Board Minutes

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 11/9/2005 8:29:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF NOVEMBER 8, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Lee Younge

Alternate – Lance Muir

Guests: Donna Harabin, Robert Personius, Jamie Gensel, Robert Rohde, Dave Young, Clay Ambrose, Kirk Vieselmeyer, Ron Panosian, Ron Sherman

Staff: Mary Ann Balland, Ed Fairbrother, Duane Gardner, Tom Reed, Chuck Coons, Larry Wagner

**AGENDA**

The Board agreed to the agenda as presented.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of October 18, 2005. Ormiston made a motion to accept and approve the minutes of October 18, 2005 as corrected, seconded by Esty. Fleisher, Piersimoni, Masler, Esty, Stewart, Ormiston and Young were in favor, motion carried.

Stewart arrived at 6:45 P.M.

**TELCO FEDERAL CREDIT UNION  
CONCEPT SITE PLAN (revision)  
TAX PARCEL #58.03-1-54.2**

Prior to reviewing the proposed resolution, Fleisher noted that he and the applicant share the same attorney, <sup>1</sup> which is not in direct conflict with the proper discharge of his duties in the public interest.

James Gensel of Fagan Engineers, representing the applicant, presented revised drawings dated November 4, 2005, and several pages of replies to questions from the Executive Committee Meeting and MRB (the Consultant for the Town) letter of consideration, dated November 1, 2005.

Gensel explained that the latest revisions include:

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<sup>1</sup> Town Municipal Code, Section 2.08.030

- That Telco has negotiated with the landowners to the west to utilize a shared drive access with a left-turn lane.
- That the distance from Kent Brown's drive would be 365 feet.
- That the distance from Fisherville Road intersection would be 560 feet.
- That distance from approved Target east access is 260 feet.

Fleisher informed those present that if (emphasize) the shared drive were to be approved, it would not infer approval of the adjoining proposal 28,000 square foot development.

Masler questioned the interior traffic flow for the ATM drive-thru proposed on the east side of the building. In reference to the preliminary site plan that proposes no left turns into or out of the site, Masler asked if there was a drive leading to the rear exit. The shared drive proposal allows left turns and the traffic flows in the interior of site were of less importance and thus generated Jamie's response "that the ingress and egress are full access drives."

Masler questioned the number of parcels indicated in the letter from J. Ambrose Real Estate, Inc. to Tim VonNeida, Chemung County Commissioner of Public Works. Gensel replied that there are four vacant parcels, two between Telco and Kent Brown.

Esty asked why is an access on County Route 64 so important, when Fisherville Road could provide a compatible access. Gensel replied that Telco prefers a County Route 64 access for "ease of use" for its customers. Chris Denton, Attorney for the applicant, commented that traffic coming from the east would require a sign on land not owned by Telco for adequate visibility.

Younge commented that banking customers usually visit a bank repetitively, thus the traffic pattern would be retained. Robert Rohde, Chairman of the Telco Credit Union Board of Directors, replied that he feels that an access off Fisherville Road would be unsafe for ATM users because traffic would be required to go through the parking lot and around the building.

Stewart expressed that he is concerned with commercial traffic on a dark residential road versus the County Route 64 access. Piersimoni responded that the bank is not the only traffic to consider. The proposed 28,000 square feet of retail and potential retail tenants from the Office Building proposed on this site plan must be considered. She further suggested that the application be tabled and a workshop be scheduled to enable the Board and the consultant for the Town to review and discuss the information presented this evening.

Masler questioned what assurance the Town would have that any of the future adjoining businesses would agree to use the shared access. Clay Ambrose of J. Ambrose Real Estate, Inc. replied that he and his brother own the adjoining property; therefore, they would have control over what is going to occur on these properties. Masler asked if that means the property would be sold with restrictions of using the shared access. Ambrose replied, "It would have to be that way." Denton asked why the Board needs assurances because the Town has final say on any future site plan.

Gensel commented that the County has reviewed this proposal and has deemed it an acceptable design.

Tom Reed, Attorney for the Town, commented that the Board cannot make a determination if it has not received adequate information on the traffic study for the 28,000 square foot development of the adjacent property. Gensel replied that the development of the adjacent property would be a separate site plan application.

The Board determined that the final plan does not conform substantially to the preliminary plan; therefore, the application is considered a revised Concept Plan.

Younge questioned the status of the proposed Corridor Traffic Study and at what point should a project be held accountable to the overall picture. Fleisher commented that a Corridor Study would be under the Land Use Access Management Plan (LUAMP). Reed commented that the Town Board has discussed, implementing and funding this plan as part of the Town's development plan. This Traffic Study is to determine a positive impact under SEQRA on the traffic impact associated with this application taking into consideration the Target and anticipated development of the A&P site. A positive finding under SEQRA would require a response from the applicant. Gensel commented that if the application stays with the original plan (right-in – right-out onto County Route 64) a left-turn analysis would not be required and would not trigger a Positive Declaration. Denton asked if Target had a positive declaration and the inconsistencies. Reed explained that with Target there were many months of review and modification of the proposed application. Sherman clarified that a Corridor Study would determine the overall area to be studied and specific concerns for the Town.

Esty explained that the Planning Board relies on its technical and legal advice to determine overall decisions for the community. This area has the potential of a traffic problem and the Planning Board needs to consider the existing service road as a possible mitigation. Gensel replied that the side access road is not presently classified as a service road.

Ormiston commented that the main concern is the safety of the public and agreed with the consensus of the Board for the need for more review time.

Younge made a motion to accept the proposed resolution based on a Special Meeting for the Telco Federal Credit Union Site Plan application. The Board agreed to the Special Meeting on November 15, 2005 at 5:30 p.m.

Gensel stated that he and Telco SEQRA consultant would be available for the meeting. Younge questioned why the Special Meeting should entail a presentation on SEQRA. Fleisher agreed that the Special Meeting should not involve the process of the application, but rather to debate the substance of the plan (safety, traffic...).

There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P88-2005**  
**TELCO FEDERAL CREDIT UNION**  
**CONCEPT SITE PLAN (revision)**  
**TAX PARCEL #58.03-1-54.2**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS this Board has received an application from Telco Federal Credit Union for site plan approval for an office building located on tax parcel #58.03-1-54.2, as shown on a drawing by Fagan Engineers, Project #2005.057 dated August 22, 2005, revised September 12, 2005, revised October 7, 2005, and revised October 25, 2005;

AND WHEREAS the property is located between County Route 64 and Fisherville Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct an 8100 square foot office building for use as a bank, and to construct a 5100 square foot addition for future leased office space;

AND WHEREAS the revised drawings show a right-in, right-out only drive on County Route 64, and a drive onto Fisherville Road

AND WHEREAS the MRB Group, as consultant of the Town, has completed review of the plans dated October 20, 2005, and the Traffic Impact Study submitted by the applicant, and has submitted said review comments in a letter dated November 1, 2005;

AND WHEREAS in a memorandum dated November 2, 2005, the MRB Group notes the potential adverse traffic impacts of the continued development on County Route 64 and recommends a Land Use Access Management Plan (LUAMP) be undertaken to provide clear direction for future development in this area;

AND WHEREAS the applicant's engineer submitted a revised Concept Plan on November 7, 2005 showing a combined access onto County Route 64 including the adjacent yet-to-be developed parcel to the west, and said plan includes full movement of traffic with left hand turns into and out of the sites;

THEREFORE BE IT RESOLVED that this Board accepts the revised documents as Concept Plan;

AND FURTHER RESOLVED that due to the fact that the revised Concept Plan was submitted to this Board today, this application is tabled pending review comments from the Consultant for the Town, being the MRB Group, and further consideration by this Board that a Special Meeting scheduled for Tuesday, November 15, 2005 at 5:30 p.m.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**RE-ONE (fka) F. Cole Development)**

**RETIREMENT ESTATES**

**FINAL SITE PLAN AMENDMENT**

**TAX PARCEL # 48.03-2-15.1**

The Board reviewed the proposed resolution and completed a Short Environmental Assessment Form. Fleisher asked for questions or comments.

In reference to the letter from the Chemung County Sewer District dated September 1, 2005, Dave Young of Bergmann Associates, stated that the sewer district extension is complete. He does not believe a SPDES permit is required because the storm water is being maintained on site. He will check the DEC regulations and comply as required.



There being no further questions or comment, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P89-2005**  
**RE-ONE (fka) F. Cole Development)**  
**RETIREMENT ESTATES**  
**FINAL *SITE PLAN* AMENDMENT**  
**TAX *PARCEL* # 48.03-2-15.1**

Resolution by: Ormiston

Seconded by: Stewart

WHEREAS this Board has received an application from RE ONE, owner of tax parcel #48.03-2-15.1, formerly owned by F. Cole Development, for site plan amendment approval for senior housing as shown on a plan by Bergmann Associates, Project Number 6714.01 dated August 9, 2005, revised October 18, 2005;

AND WHEREAS the property is commonly known as Retirement Estates and is located at 804 Sing Sing Road in the Senior Housing Planned Multiple Residential District (SHPMRD);

AND WHEREAS the applicant proposes to modify the design of Phase IV of the development, approved in 1998 pursuant to Resolution P26-98 for 64 apartment units and 3 single family residences, to permit the construction of 18 single family residences only;

AND WHEREAS there currently are two residences constructed on lots #153 and #154 pursuant to the original approval;

AND WHEREAS the applicant will construct the remaining portion of the road, known as Lazy Circle, and related infrastructure including water main, sanitary sewer main, and other utilities;

AND WHEREAS the Chemung County Health Department, in a letter dated September 2, 2005, stated that plans for the water service extension must be reviewed and approved by said department;

AND WHEREAS in Resolution P77-2005 this Board tabled this application pending resolution of the type of material to be used for the water supply pursuant to a letter from the Commissioner of Public Works for the Town of Big Flats dated August 31, 2005;

AND WHEREAS the applicant has submitted a revised site plan dated October 18, 2005 specifying the use of material acceptable to the Commissioner of Public Works, and the Commissioner has acknowledged his approval of the plan in a letter dated November 3, 2005;

THEREFORE BE IT RESOLVED finds the application complete to continue review of the Short Environmental Assessment Form;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impacts and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board approves the documentation submitted as a Preliminary Plan and accepts the Preliminary Plan as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. Prior to signing of the final Site Plan by the Chairman of the Planning Board the applicant shall submit revised drawings showing required revisions:

- a. Cover sheet shall be amended to identify the correct Water District as being Water District 3.
  - b. The service connection detail on drawing DS-01 shall correctly detail the use of approved material.
  - c. A note on the plans shall provide a method for the water service line to be installed to prevent damage due to movement of the concrete slab.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
  3. **Water Service**
    - a. All water lines shall be dedicated to the Town before they are energized (dedication is complete after Town Board has accepted by resolution and paperwork filed with the Chemung County Clerk). The Developer is responsible for the preparation of the necessary paperwork for such dedication and all filing fees related to filing such documents in the office of the Chemung County Clerk.
    - b. **Surety Requirement** – Prior to acceptance of the main dedication, the Developer shall post with the Town a surety in the amount of \$3,000 in the form of cash or Letter of Credit thereby warranting such water main for a period of five (5) years. Thus, should any repairs or replacements occur within such five year period, this surety shall be utilized to reimburse the Town for such costs? Upon expiration of such five years the balance of such cash or Letter of Credit shall be returned to the developer.
    - c. Town of Big Flats Water Department personnel or their appointed representative shall be present to witness the pressure testing and tapping of the existing water main. The contractor shall submit an engineering report by a qualified consultant submitted to the Town detailing the results of the pressure testing and disinfection results with copies of laboratory results. A minimum of two (2) business days notice to the Town is required prior to the tapping of the main and pressure testing.
    - d. A flow test shall be performed to assure that the proposed hydrant will meet acceptable ISO standards.
  4. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office.
  5. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions of the water, sewer, road construction, and all other improvements set forth herein. Such drawings shall also be provided in digital format acceptable to the Town.
  6. **Modifications** – Modification or deviation from the approved site plan is permitted only with prior approval of the Planning Board.
  7. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge  
 NAYS: None  
 ABSTAIN: None  
 ABSENT: None

**KLEE/EMPIRE STORAGE, LLC.**  
**SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCEL #77.00-1-33**

Fleisher reviewed and updated the Board on the proposed resolution and completed a Short Environmental Form. He asked for questions or comments. There being none, he asked for a motion to adopt the resolution.

**RESOLUTION P90-2005**  
**KLEE/EMPIRE STORAGE, LLC.**  
**SUBDIVISION PRELIMINARY PLAT**  
**TAX PARCEL #77.00-1-33**

Resolution by: Younge  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Kimberly Klee for Empire Storage, LLC., *owner* of tax *parcel* #77.00-1-33, for the *subdivision* approval of this 102.5-acres *parcel* as shown on a survey by Hunt Engineers, job #5414-002, dated October 20, 2005;

AND WHEREAS the proposed *subdivision* is located at 194 Harris Hill Road in the Rural *District* (RU);

AND WHEREAS the subdivision will create the following two parcels:

- *Parcel A* being a 3-acres containing a single *family dwelling*, barn, and pond,
- *Parcel B* being approximately 99.5-acres containing vacant land;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is 3-acres;

AND WHEREAS the *applicant* intends to sell the existing house and retain ownership of the balance of the *property*. No further plans for the *property* are being considered at this time;

AND WHEREAS pursuant to Resolution P96-2004 has submitted a current survey map; but has not submitted a topographical map;

AND WHEREAS Parcel A will access Harris Hill Road via a permanent 30-foot wide easement as shown on the survey map;

THEREFORE BE IT RESOLVED that this Board to accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that this Board finds that a topographical map is not required for this subdivision application and therefore waives the requirement for said document;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for November 29, 2005.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**MEMBERS COMMENTS:**

- Fleisher rescheduled the next Executive Committee meeting to be held on Monday, November 21, 2005 at 5 p.m.
- Piersimoni asked Sherman, the Consultant for the Town, if MRB would have a report ready for the Telco Special Meeting. Sherman replied that he would know better tomorrow when he has had time to discuss the project with his associate.
- Fleisher commented that because of his impending retirement, the Board may want to consider changing the time and day of the Executive Committee Meeting. The Planning Board secretary asked the Board to consider an earlier day in the week to allow the Board to pick up the packages and allow for more review time.
- Esty asked the attorney for the Town, if the Board has to determine an application in isolation versus considering for example the A&P proposed development. Reed replied that the Board does not have to consider abstract ideas, that the A&P development has an application pending before the Horseheads Board, and that there is a strong consideration that the Fisherville area could be developed as retail.
- Younge asked Larry Wagner, the Commissioner of Public Works, to comment on the applicant's arguments for not using Fisherville Road. Wagner referred to other businesses in the Town that do not directly access County Route 64 (i.e.: Applebee's, Taco Bell).
- Wagner presented an overview of the traffic patterns proposed for County Route 64.
- Stewart commented that County Route 64 cannot handle the traffic considering the potential development in that area and inquired as to the County's plans in developing County Route 64. Wagner replied that the County evaluates present conditions. Stewart suggested a moratorium to prevent development creating future traffic problems until the road has been designed to handle the amount of potential development. Reed replied that this is being considered.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

`Nancy Van Maarseveen  
Planning Board Secretary

Last printed 12/2/2005 8:45:00 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF NOVEMBER 15, 2005**

5:30 P.M.  
SPECIAL MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Lee Younge

Guests: Donna Harabin, Jamie Gensel, Robert Rohde, Clay Ambrose, Kirk Vieselmeyer, Ron Panosian, Mike Simon

Staff: Mary Ann Balland, Tom Reed, Chuck Coons, Larry Wagner, Lance Muir

**AGENDA**

The Board agreed to the agenda as presented.

**MINUTES**

**TELCO FEDERAL CREDIT UNION  
SITE PLAN WORKSHOP  
TAX PARCEL #58.03-1-54.2**

Fleisher described and reviewed the purpose for the special meeting, noting that the specific issues are the access drive, and the overall traffic concerns on County Route 64 that would play a role in the decision regarding an access drive. He set the following ground rules:

- Not part of the discussion are:
  - Telco's operations;
  - The fact that Telco is locally owned,
  - What was spent for the property,
  - The applicant's construction timetable,
  - The process by which this Board will eventually reach a decision on this application.

Fleisher introduced Mike Simon of MRB Group, consultant for the Town.

Fleisher asked James Gensel, Engineering consultant for the applicant, to clarify if the latest revision is with a shared drive off County Route 64.

- Gensel explained that the application contains two options:
  - (1) a shared access option or
  - (2) the original right-in/right-out access option from the middle of the parcel onto County Route 64.
- Gensel stated that the application is currently an unlisted action, uncoordinated review process.
- Gensel distributed a letter from the County Department of Public Works, dated November 15, 2005, that granted concept approval of the shared access option.

- Fleisher asked Gensel if a traffic signal is proposed at the shared access drive.
  - Gensel replied, “No, we do not.” If the Town requires a traffic signal, we will provide the technical and SEQRA information.
- Esty asked if there is another alternative to consider. Fleisher replied that the Board could propose an additional alternative.
  - Gensel replied that those are the only two options acceptable by the applicant and that the second option (shared access drive) is the preferred option from the County Department of Public Works.
- Ormiston commented that there are concerns with both options, Fisherville Road may not be an ideal option, but in his opinion is the better option, and that he wishes that the County would cooperate with the Town.
- Fleisher asked Gensel what the advantage of the shared drive opposed to the original concept (right-in/right out).
  - Gensel replied that the shared drive would be a disadvantage to Telco but it was a way of mitigating the road with the next drive 365 feet away.
- Fleisher asked Gensel if the applicant would consider a shared drive on Fisherville Road.
  - Gensel replied that Fisherville Road is not an adequate access for the proposed businesses. The radius would be improper for commercial use, stacking would be a problem and concerns with the residential population. The bottom line is the applicant has proposed an adequate access off County Route 64 for three of the four undeveloped lots with appropriate spacing based on typical standards based on an engineering point of view.
- Gensel distributed “Best Practices in Arterial Management” (1997) and explained that this was the documentation used previously for determining drive spacing on Colonial Drive. He reviewed several highlighted paragraphs and commented that **the Town does not have any regulations in place at this time.**
- Younge commented that she could not disagree with the engineering perspective; however, the Planning Board is approaching it from a human safety issue by limiting access drives off County Route 64. Gensel questioned who determined that Fisherville Road access is safer.
- Fleisher asked Simon for comment. Simon commented that MRB helped developed the standards on drive spacing that Gensel referred to in “Best Practices in Arterial Management”. However, he would like to add that both the examples used have restrictive median, so that would be taking any cross traffic left-hand turns right out of the picture. The drive spacing is always right-in/right-out turns with these standards. The applicant has presented a plan looking at a section of road with a protected left turn lane that may meet acceptable engineering standards; however, the Planning Board is commissioned beyond the individual site plan and is looking at the corridor as a whole. He commented that anyone here would be remiss to think that this site would not affect the entire corridor extending east to the A&P interchange. The Town would like to utilize Fisherville Road as an opportunity to plan for the potential traffic development and avoid a repeat of Chambers Road. He used the example of Applebee’s and how difficult it is to comprehend where the entrance is from Chambers Road. The entrance is approximately 1,000 feet from the building but the business is not lacking for patrons.
- Ann Clarke commented that the access to County Route 64 is not under the Town’s control. However, she agrees that a full management study and a full analysis should be done including the Town of Horseheads but procedurally cannot stall an applicant already in process.

- Tom Reed, Attorney for the Town, reminded the Board that it has the SEQRA tools and the review authority to exercise any concern with adverse traffic and any other environmental impacts taken into consideration by this Board. He agrees that a moratorium is a separate issue that is being addressed by the Town Board. Gensel replied that the applicant provides the SEQRA information. Fleisher replied that the analysis of the SEQRA study could warrant a Corridor Study.
- Chris Denton, attorney for the applicant, commented that a warranted Corridor Study would mean that there is a significant environmental impact with this development that would require a positive declaration. Fleisher replied that no declaration has been established at this time. Denton explained that Fisherville Road has no lighting, is in a residential area and would be forcing traffic on a road that has not been built or designed to handle commercial traffic. The applicant has mitigated the problem by a single access (right-on/right-off).
- Coons informed Denton that Fisherville Road is zoned Business Regional in anticipation of the entire area becoming retail use. The focus should be on additional uncontrolled access drives onto County Route 64. A signal light is being considered at Fisherville Road and County Route 64. Reed explained that the Town is in the process of developing plans and goals for certain areas and making sure that the plans are consistent with those goals and that the bigger issue is traffic control that the Board needs to consider in the entire corridor.
- Gensel suggested that if a traffic analysis was performed on the entire corridor, he feels confident that this site plan would not trip failing level of service on County Route 64. If the Board finds the proposed access is not appropriate, the rebuttal should be placed in writing.
- Donna Harabin, member of the Board of Directors of Telco Federal Credit Union, commented that the site plan was submitted on July 5, 2005 and we were not made aware of the traffic concerns until October 18, 2005. (Secretary note: the September 6, 2005 Planning Board Agenda was the Telco's Concept Plan on Agenda)
- Piersimoni commented that the proposed site plans kept changing.
- Esty replied that he personally requested a traffic study at the first meeting on the site plan and that this site does have an alternative access available to consider. Clarke asked if the Board determined access at the subdivision application approval stage. Younge commented that at the subdivision stage the use for the site was never disclosed.
- Stewart commented that he is favor of the applicant's proposed access plan and explained that a future traffic signal at the Fisherville Road intersection would slow traffic at this access point. Simon replied that would require a Gap Study that has not been done.
- Denton commented that this Board is not a Board of discretion. It is a Board of specific statutory authority. If the Board finds fault with a technical or safety point-of-view the Board can request additional information. Denton requested that all technical rebuttals from the Town's consultant be forwarded in writing to Gensel.
- Gensel asked Simon if he has received all the information needed.
  - Simon replied "No". A left-turn warrant analysis and stacking requirements to name a few of the questions he would like to discuss outside the meeting with Gensel. Denton requested that all concerns be submitted in writing, so that they can be addressed in writing.
- Gensel reminded the Board that it has 20 days from the November 29, 2005 meeting for SEQRA determination. Reed replied that if the Board needs additional information, the Board cannot make a determination until that additional information is provided.

- Fleisher read an excerpt from the Town Municipal Code Chapter 17.32.010 *Intent of Site Plan REVIEW AND APPROVAL* for the Board's consideration.
- Reed commented that the slope from County Route 64 is another issue that needs to be addressed. Gensel replied that the Commissioner of the County Public Works is aware and he needs to further review a profile of the drive.
- Simon commented that there are a lot of dynamics to this corridor and thinks the Town is doing the right thing by looking at all its options.
- Esty commented that presently the Board does not know how the adjacent parcel might be used; in addition there is an unknown potential additional use in the Telco lot. He referenced the Chambers Road problems and how the Board is trying to prevent similar conditions on County Route 64. Gensel offered to generate a traffic study on that whole site as a retail site.
- Fleisher asked Harabin for an estimate of the traffic that a credit union may expect after hours in darkness. Harabin replied that she could not answer because the present credit union does not have an ATM and further commented about the safety of Fisherville Road. Reed replied that safety is not just about collisions but also about emergency response issues. Younge asked the applicant why the building could not be repositioned to accommodate the access point.
- Masler asked Gensel for clarification that the shared access drive is the preferred plan by the applicant and would there would be no left turn egress but left turn ingress. Gensel replied that is what has been submitted and approved by the County Department of Public Works. The last revision shows a full access drive with left turns. Masler asked Gensel about side access easement to the adjacent property owner. Gensel replied that would have to be written up if the site plan is approved; however, he offered that the left hand turns from the site could be taken out entirely.
- Esty asked Gensel if Fisherville Road was upgraded in the near future with a through road would the applicant be willing to close off the County Route 64 access. Stewart commented that the building would have to be planned with this change in mind.

In summation, Fleisher stated that the points that everyone has brought up are reasonable and rational. Reed added that the Board needs to sum up the concerns, submit them to the consultant for the Town, and have the data speak for itself.

Meeting adjourned at 7:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 12/2/2005 8:44:00 AM



**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF NOVEMBER 29, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
James Ormiston  
Carl Masler  
Bill Stewart

Guests: Doug Dalrymple, Bob Rohde, James Gensel, Joseph Navare. Clay Ambrose, Mark Watts, Kirk Vieselmeyer, Dave Young, Ron Sherman, Donna Harabin, Ron Panosian, Maureen Harding

Staff: Mary Ann Balland, Tom Reed, Duane Gardner, Chuck Coons, Larry Wagner Alternate Board member Lance Muir

**AGENDA**

The Board agreed to the Agenda as presented.

**PUBLIC HEARING  
WATTS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #76.00-2-30**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:33 P.M. and reconvened the business portion of the regular meeting.

**PUBLIC HEARING  
KLEE/EMPIRE STORAGE, LLC SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #77.00-1-33**

Chair Fleisher called the Public Hearing to order at 6:34 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:37 P.M. and reconvened the business portion of the regular meeting.

### **MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of November 8, 2005. Younge made a motion to accept and approve the minutes of November 8, 2005, seconded by Piersimoni. All were in favor, motion carried.

Fleisher asked if there were corrections before accepting and approving the minutes of the Special Meeting of November 15, 2005. Fleisher made a motion to accept and approve the minutes of November 15, 2005, seconded by Stewart. All were in favor, motion carried.

### **RESOLUTION P91-2005 WATTS SUBDIVISION PRELIMINARY & FINAL PLAT TAX PARCEL #76.00-2-30**

Resolution by: Ormiston  
Seconded by: Stewart

WHEREAS this Board has received an application from Mark E. Watts, owner of tax parcel # 76.00-2-30, for subdivision approval of this 83.2 acre parcel as shown on a survey map by Bergmann Associates, Project Number 6645.01, dated 8/23/05;

AND WHEREAS the property is located at 2866 State Route 352, and the portion of land being subdivided is in the Rural (RU) district;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel W1 being 3.45 acres containing vacant land,
- Parcel W2 being 3.2 acres containing vacant land,
- Remainder of the parcel being 76.55 acres containing a one unit dwelling and accessory structures;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Rural (RU) district is three acres;

AND WHEREAS the adjoining property owners shall be notified of this *application* pursuant to the Rules of the Planning Board;

AND WHEREAS parcels W1 and W2 do not have direct access to a public or private right-of-way. However a public road will service these parcels once the adjacent approved subdivision, Soaring Ridge, is developed;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*

AND FURTHER RESOLVED that no building permit shall be issued on parcels W1 and W2 prior to the parcels being serviced by a public right-of-way or an easement access approved by this Board;

AND FURTHER RESOLVED that all infrastructure for said parcels shall comply with development requirements of the Soaring Ridge development and/or any requirements pursuant to the development standards of the Town Municipal Code;

CARRIED: AYES: Younge, Stewart, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

#### **RESOLUTION P92-2005**

#### **KLEE/EMPIRE STORAGE, LLC. SUBDIVISION**

#### **PRELIMINARY & FINAL PLAT**

#### **TAX PARCEL #77.00-1-33**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Kimberly Klee for Empire Storage, LLC. owner of tax *parcel* #77.00-1-33, for the *subdivision* approval of this 102.5-acres *parcel* as shown on a survey by Hunt Engineers, job #5414-002, dated October 20, 2005;

AND WHEREAS the proposed *subdivision* is located at 194 Harris Hill Road in the Rural *District* (RU);

AND WHEREAS the subdivision will create the following two parcels:

- *Parcel A* being 3-acres containing a single *family dwelling*, barn, and pond,
- *Parcel B* being approximately 99.5-acres containing vacant land;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is 3-acres;

AND WHEREAS the *applicant* intends to sell the existing house and retain ownership of the balance of the *property*. No further plans for the *property* are being considered at this time;

AND WHEREAS pursuant to Resolution P96-2004 has submitted a current survey map; but has not submitted a topographical map;

AND WHEREAS Parcel A will access Harris Hill Road via a permanent 30-foot wide easement as shown on the survey map;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

**TELCO FEDERAL CREDIT UNION  
PRELIMINARY SITE PLAN  
TAX PARCEL #58.03-1-54.2**

As the Board received 5 of the site plan at this meeting, making it difficult to review by the Board members and the consultant for the Town did not have an opportunity to conduct a prior review of the revised plan.

Fleisher read excerpts from MRB's letter (consultant for the Town) dated November 23, 2005 that contained the mitigation measures discussed between MRB and the applicant's design professional Jamie Gensel. Fleisher asked Gensel if any of the four points covered in the letter were not included in the revised site plan drawing received by the Board at this meeting. Gensel replied that the right-out lane needs to be redesigned to meet the fourth requirement. Fleisher explained that the four mitigation measures agreed on shall be placed in the final site plan drawings and that MRB Group will complete their technical review of the final site plan when submitted.

Fleisher commented that the County has indicated that the parcel to the east of the Telco site will not be allowed a curb cut onto County Route 64 and will be required to use Fisherville Road. Gensel agreed this would be included in his revisions.

The Board reviewed and completed a Short Environmental Assessment Form. The traffic pattern was identified as a potential adverse affect; however, mitigation has been provided with the current design. No other impacts were identified. Ormiston requested that the dialogue appear in the minutes. The Chair noted that the dialogue is retained on tape and hard copy retained in the file as required.

Esty asked if the Board should say that the traffic plan is being mitigated, if mitigation means the adverse condition is being eliminated. He does not believe the plan is eliminating the traffic problem but is patching the problem for now until future development. Tom Reed, Attorney for the Town, commented that the traffic issue is being considered under SEQR, and conditions can be placed on final approval. Reed stated that mitigation means the condition would still exist, but the adverse effect would be reduced to an acceptable level.

Stewart questioned the 10-foot radius at the northwest corner drive, especially considering a garbage truck would need to service the proposed dumpster located in that area. Gensel will address the concern.

Fleisher commented that Ron Sherman of MRB has requested that he meet with Gensel directly to resolve mitigation issues prior to the next scheduled Planning Board meeting.

A discussion of the future of County Route 64 changes brought up suggestions as to conditions that may want to be applied to this application on the final resolution. Reed commented that any infrastructure improvement would need to be consistent with a traffic study.

There being no further comments or questions, Fleisher asked if there is a motion to approve the resolution.

**RESOLUTION P92-2005**  
**TELCO FEDERAL CREDIT UNION**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #58.03-1-54.2**

Resolution by: Stewart  
Seconded by: Ormiston

WHEREAS this Board has received an application from Telco Federal Credit Union for site plan approval for an office building located on tax parcel #58.03-1-54.2, as shown on a drawing by Fagan Engineers, Project #2005.057 dated August 22, 2005, revised September 12, 2005, revised October 7, 2005, revised October 25, 2005, revised November 7, 2005, and revised November 21, 2005;

AND WHEREAS the property is located between County Route 64 and Fisherville Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct a 8100 square foot office building for use as a bank, and to construct a 5100 square foot addition for future leased space, which originally was planned for office space but is presently undetermined;

AND WHEREAS the revised site plan shows a combined access onto County Route 64 which will serve both the subject parcel for the Telco development and the future development to the west, being tax parcels # 58.03-1-58 and 58.03-1-59, and said access will provide for left turns into the development from the west using a turn lane, right-in turns from the east, and right-out only from the development;

AND WHEREAS a left turn lane will be constructed on County Route 64 for traffic turning into the development from the west;

AND WHEREAS this Board held a special meeting on November 15, 2005 to discuss this application and the traffic conditions on County Route 64;

AND WHEREAS in a letter dated November 15, 2005, Tim Von Neida, Chemung County Commissioner of Public Works reviewed the Concept Plan depicting the combined access drive and found the concept plan acceptable stating "I believe it to be a sound approach to handling the traffic entering and leaving this site" and approved the concept as depicted;

AND WHEREAS the MRB Group, as consultant for the Town, has completed review of the revised plans and the Traffic Impact Study submitted by the applicant, and has submitted said review in a letter dated November 23, 2005 stating "We are of the opinion that a properly designed single curb cut onto County Route 64 could acceptably serve both the Telco FCU and the parcel to the immediate west";

AND WHEREAS the MRB Group has not completed a technical review of the revised site plan;

THEREFORE BE IT RESOLVED that this Board accepts the revised documents as a Preliminary Plan;

AND FURTHER RESOLVED that this Board finds this application complete to begin the environmental review pursuant to SEQRA;

AND FURTHER RESOLVED that this Board finds that the proposed drive will mitigate traffic concerns on County Route 64 for the proposed Telco development for the following reasons:

- The design does not allow for traffic exiting the site to turn east. Traffic traveling east will exit onto Fisherville Road and enter County Route 64 at an existing intersection that may eventually be signalized.
- Left turns into the site from the eastbound lane will use a dedicated turn lane. This lane will protect cars entering the site by isolating the vehicles from the driving lane.
- The shared drive will be the only drive onto County Route 64 for development of the existing vacant parcels located north of County Route 64 and south of Fisherville Road. The distance between the approved traffic signal at Target and the existing intersection of Fisherville Road and County Route 64 is approximately 1000 feet. The shared drive will eliminate the need for any future access to County Route 64 by adjacent vacant parcels identified above.

AND FURTHER RESOLVED that this Board reserves final determination of the impacts of the environmental review pending final review comments from the MRB Group;

AND FURTHER RESOLVED that the applicant shall submit a revised site plan showing the following:

- The right-out only lane shall be redesigned to discourage unauthorized left turns from the site. Such lane shall conform to design requirements set forth by the MRB Group.
- The drive off Fisherville Road shall be designed to permit access to the vacant parcel to the east, being tax parcel # 58.03-1-60. An easement shall be granted to permit future development on said parcel to access Fisherville Road via this drive.

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

CARRIED: AYES: Stewart, Fleisher, Ormiston, Masler

NAYS: Esty

ABSTAIN: Younge, Piersimoni

ABSENT: None

**DOUGLAS DALRYMPLE  
HILLCREST ROAD SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #78.00-1-21.21**

Using the distributed plat, Chuck Coons, Director of Building Inspection and Code Enforcement, described the proposed subdivision. The Board completed a Short Environmental Assessment Form. Dalrymple addressed the Board to note that the Chemung County Commissioner of Public Works has reviewed the drive access and a culvert was installed. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P93-2005  
DOUGLAS DALRYMPLE  
HILLCREST ROAD SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #78.00-1-21.21**

Resolution by: Younge

Seconded by: Esty

WHEREAS this Board has received an application from Douglas and Marilyn Dalrymple, owner of tax parcel #78.00-1-21.21 for subdivision approval of 26.207 acres as shown on a survey by Weiler Associates, Job #12168.04, last revised October 3, 2005;

AND WHEREAS the property is located off Hillcrest Road in the Rural (RU) district and borders the Town of Elmira;

AND WHEREAS the *applicant* proposes to create the following four parcels:

- Parcel 2A being 12.207 acres containing vacant land,
- Parcel 2B being 14.000 acres containing vacant land,
- Parcel 4 being 0.669 acre parcel containing vacant land;
- Parcel 5 being 1.224 acre parcel containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the minimum required parcel size is three acres in the RU district;

AND WHEREAS parcel 2B contains approximately 1.029 acres, triangular in shape, that lies in the Town of Elmira;

AND WHEREAS parcels 4 and 5 are non-conforming, however, parcel 4 will be merged with tax parcel #88.00-1-55 and parcel 5 will be merged with tax parcel #78.00-1-21.1, thus eliminating the non-conforming condition;

AND WHEREAS the adjoining property owners will be notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this application as a Preliminary Plat;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department, Chemung County Planning Department and the Town of Elmira;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located with 500 feet of Town of Elmira;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing on the Preliminary Plat for December 20, 2005.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

## SOUL FULL CUP WORKSHOP

Chuck Coons, Director of Building Inspection and Code Enforcement, introduced Joseph Navare, owner of Soul Full Cup located on Sing Sing Road.

Navare distributed a drawing and a written explanation of the next speculative stage he proposes for his coffee roasting business to roast, package, and distribute coffee beans.

His proposal contained a drive around the building that would include a drive through window. He emphasized that the design would require no backup traffic.

The Board offered the following questions and comments:

- Younge, referring to the sketch, asked if orders are placed at the menu board.
  - Navare replied “yes”.
- Fleisher asked the distance from entrance to exit.
  - Navare replied “30 feet”.
- Stewart suggested that a single drive from Sing Sing Road would be preferred because of the proposed distance of 30 feet between drives.

Navare explained that future plans include an approximate 1600 square foot addition on the site with an outdoor-screened café on the second floor and perhaps these plans would allow space for a better access design. Stewart again emphasized the need for a common ingress and egress drive.

Fleisher suggested that Navare continue to work with his consultant and the Director of Building Inspection and Code Enforcement to fine-tune the application before presenting it to the Board.

There being no further questions or comments, the Board thanked Mr. Navare for his time.

**MEMBERS COMMENTS:**

- Ormiston commented that he would like to see more details in the resolutions. Example: construction timetable. Fleisher commented that he sees that as a part of the application not as part of the resolution.
- After consulting with the chair and Scott Esty, the secretary commented that Scott Esty accepted another term on the Board and that a resolution for the December 20<sup>th</sup> meeting will include Esty’s recommendation to the and the recommendation of the Chairman for 2006, and the proposed meeting schedule for 2006.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary  
AM

Last printed 12/21/2005 11:42:00



**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF DECEMBER 20, 2005**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall Lower Level

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Lee Younge  
James Ormiston  
Carl Masler  
Bill Stewart

Guests: Doug Dalrymple, Bob Rohde, James Gensel, Clay Ambrose, Kirk Vieselmeyer, Donna Harabin, Ron Panosian, Chris Denton

Staff: Chuck Coons

**AGENDA**

The Board agreed to proceed with the agenda as modified with the removal of items #5 and #9.

**MINUTES**

Fleisher asked if there were corrections before accepting and approving the minutes of November 29, 2005. Masler made a motion to accept and approve the minutes of November 29, 2005, seconded by Esty. All were in favor, motion carried.

Fleisher suspended the business portion of the meeting for the scheduled public hearing.

**PUBLIC HEARING  
DALRYMPLES/HILLCREST SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #78.00-1-21.21**

Chair Fleisher called the Public Hearing to order at 6:31 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:35 P.M. and reconvened the business portion of the regular meeting.

**DOUGLAS DALRYMPLE  
HILLCREST ROAD SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #78.00-1-21.21**

As the Board reviewed the proposed resolution, Chuck Coons, Director of Building Inspection and Code Enforcement, explained that because the County Planning Board rescheduled its regular scheduled meeting to an earlier date, this application was not received in time as a referral. He also informed the Board that the applicant submitted on 12/20/05 the driveway construction and maintenance agreement that addressed all legal right-of-way issues and concerns. There being no further comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P94-2005  
DOUGLAS DALRYMPLE  
HILLCREST ROAD SUBDIVISION  
PRELIMINARY AND FINAL PLAT  
TAX PARCEL #78.00-1-21.21**

Resolution by: Ormiston

Seconded by: Stewart

WHEREAS this Board has received an application from Douglas and Marilyn Dalrymple, owner of tax parcel #78.00-1-21.21 for subdivision approval of 27.290 acres as shown on a survey by Weiler Associates, Job #12168.04, last revised October 3, 2005;

AND WHEREAS the property is located off Hillcrest Road in the Rural (RU) district and borders the Town of Elmira;

AND WHEREAS the *applicant* proposes to create the following four parcels:

- Parcel 2A being 12.207 acres containing vacant land,
- Parcel 2B being 14.000 acres containing vacant land,
- Parcel 4 being 0.669 acre parcel containing vacant land;
- Parcel 5 being 1.224 acre parcel containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the minimum required parcel size is three acres in the RU district;

AND WHEREAS parcel 2B contains approximately 1.029 acres, triangular in shape, that lies in the Town of Elmira;

AND WHEREAS parcels 4 and 5 are non-conforming. However, parcel 4 will be merged with tax parcel #88.00-1-55 and parcel 5 will be merged with tax parcel #78.00-1-21.1, thus eliminating the non-conforming condition;

AND WHEREAS the Chemung County Planning Board has not yet reviewed this application pursuant to GML 239n;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* plat;

AND FURTHER RESOLVED that the Final *subdivision* plat is approved subject to the following conditions:

- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the *Town Municipal Code*
- The Chemung County Planning Board shall review and comment on this application.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**TELCO FEDERAL CREDIT UNION  
PRELIMINARY SITE PLAN  
TAX PARCEL #58.03-1-54.2**

The Board discussed the following questions and comments:

Ormiston asked if the applicant received sewer approval by the County. Coons indicated approval was not yet given.

Ormiston asked if the applicant received water district approval from the Town. Coons replied that it is in the works.

Ormiston suggested the following conditions be considered:

- That the construction timetables include a written statement from the developer regarding beginning of the land grading, stock piling, and construction of the development. Coons replied that this is covered in the SPDES Permit.
- That the storm water management system include maintenance responsibilities for the property owner in perpetuity for the on-site Storm Water Management System.
- That the property owner maintenance plan for the parking areas and trash receptacle locations be specified prior to any issuance of any Certificate of Occupancy and that regular required inspections be performed by the CEO and that it be documented in compliance with the maintenance plan. Coons replied that this is covered under the Property Maintenance Code and is enforceable by the Code Enforcement Officer.
- That the applicant present sign plans as a site plan amendment. Fleisher replied that signs have to comply with the Town Municipal Code and will be enforced by the Code Enforcement Officer.

Piersimoni inquired if Telco's freestanding signs, shown on the drawing, are illuminated signs. James Gensel, Design Engineer representing the applicant, replied that he does not know at this time, but that the signs are required to comply with the regulations from the Building Permit Office.

Esty asked if the latest revisions adequately incorporate MRB Group's design review concerns or if there were any compromises. Gensel replied that their concerns were all addressed.

The following questions and comments were in reference to the following proposed condition of approval:

AND BE IT FURTHER RESOLVED, pursuant to the review comments of the MRB Group received per correspondence dated December 15, 2005, this approval is hereby expressly conditioned upon the requirement that if and when further professional studies of the traffic patterns in this area of the Town endorses the elimination of driveway curb cuts along County Route 64, the applicant, its successors, transferees and/or assigns shall be required to remove the presently approved curb cut onto County Route 64 and relocate such access onto Fisherville Road in a manner reviewed and approved by the Town Planning Board.

- Younge asked if this proposed condition was agreed on by the applicant. Gensel replied that the applicant has not agreed to that condition.
- Chris Denton, attorney for the applicant, explained that the site plan is designed for the County Route 64 curb cut access and that if that curb cut were eliminated it would create a safety issue because the design would generate traffic to flow around the building through the parking lot in order to get to the ATM machine.

- Esty commented that he feels that this condition is essential, given the concern the Town has for County Route 64 and that if the traffic study recommends a controlled access to County Route 64 this would not give the applicant unconditional approval of the access to County Route 64.
- Gensel replied that because this design meets the State's design standards the proposed condition is a legal issue and not an engineering issue and that there is an agreement with the adjacent leased property owners to share that access.
- Stewart expressed that he does not feel that this application presents an impact and feels that if the traffic study warrants a major change on County Route 64 the dollars involved would come from whatever agency makes those changes to all the properties.
- Fleisher commented that if you support this condition then you support it on the basis that:
  - A) It is a reasonable condition, which the Planning Board is allowed to attach to any approval, and
  - B) this condition is not arbitrary or capricious and relies on the results of a professional traffic study.
- Younge asked Gensel that if he had known of the condition, would he have designed the project differently. Gensel replied that the applicant would probably not have purchased the property.
- Clay Ambrose, adjacent property owner, commented that if a traffic study determines no more curb cuts on County Route 64, it would be a huge imposition on the applicant to relinquish the superb traffic pattern with ingress and egress facing the road. He stated that development on County Route 64 is over and he does not see how a curb cut to satisfy two businesses is going to change the safety or convenience situation.
- Younge replied that if what Ambrose said is correct, there are no more sites to be developed on County Route 64, then how could a study determine no more curb cuts. Therefore, an applicant would have nothing to lose in keeping the condition. Ambrose replied that the cost and the uncertainty would make it difficult for any development and feels that the condition is not fair or equitable. Fleisher replied that the certainty of leasing is not a Planning Board problem.
- Younge commented that if there is a moratorium, this application might be the last project to be considered. Fleisher replied that it is his understanding that the moratorium would go into affect sometime shortly after February 1<sup>st</sup> and that it would not affect anything with prior approval. Younge commented that she feels that it is in the Town's interest that the condition remains and reminded that the condition was supported by the Attorney.
- Denton stated that he believes the Board has an obligation to decide on the reasonable issues depending on the facts presented as pointed out by the applicant's engineering consultant. The traffic issues have been fully mitigated; therefore, it is unreasonable because no fact exists as to why this curb cut needs to be taken away. His client cannot legally accept that condition without taking risk by accepting a condition that the applicant would have no control over.
- Stewart commented that in his experience with road building and traffic studies, if a curb cut needs to be changed, it would be changed to State Standards.
- Esty commented that he shares an opinion with several people that County Route 64 needs an overall traffic study to ensure a safe, efficient way to managing this corridor of the Town. Should this study determine that this Board has a grandfather clause in an access road to County Route 64 that would complicate our efficient development to that road and this would be our fault and would be irresponsible of this Board to have not provisioned for that.

- Fleisher asked. "Is the Town going to pay for a traffic study, the result of which the Town cannot act upon because it is a County road?"
- Younge questioned if the Town's study determined a change in the curb cut, would this give jurisdiction to the Town over the County to impose these changes? Gensel reminded the Board that this study could be accomplished free through the State.
- Piersimoni agrees that the application is a small traffic generator but reminded the Board that there is retail business adjacent to this site. There being no further questions or comments, Fleisher asked for a motion to adopt the resolution with the elimination of the condition.
- The Board discussed several modifications of the condition and but decided to eliminate the condition in its entirety.

**RESOLUTION P95-2005**  
**TELCO FEDERAL CREDIT UNION**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #58.03-1-54.2**

Resolution by: Stewart  
Seconded by: Ormiston

WHEREAS this Board has received an application from Telco Federal Credit Union for site plan approval for an office building located on tax parcel #58.03-1-54.2, as shown on a drawing by Fagan Engineers, Project #2005.057 dated August 22, 2005, revised September 12, 2005, revised October 7, 2005, revised October 25, 2005, revised November 7, 2005, revised November 21, 2005, and revised December 12, 2005;

AND WHEREAS the property is located between County Route 64 and Fisherville Road in the Business Regional (BR) district;

AND WHEREAS the applicant proposes to construct a 8100 square foot office building for use as a bank, and to construct a 5100 square foot addition for future leased space, which originally was planned for office space but is presently undetermined;

AND WHEREAS the MRB Group, as consultant of the Town, has completed review of the December 12, 2005 plans, and submitted final review comments in a letter dated December 15, 2005 and finds the proposed plans have been adequately revised to incorporate MRB Group's design review comments;

AND WHEREAS the Chemung County Planning Board, at its December 8, 2005 meeting, recommended Town approval;

THEREFORE BE IT RESOLVED that this Board accepts the final review comments from MRB Group and now completes the environmental review pursuant to SEQRA;

AND FURTHER RESOLVED that this Board finds that based on the environmental review the sole concern for any potential adverse impact was related to traffic, and the concern has been mitigated by the design of the combined access drive, and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office stating that it shall be maintained in perpetuity by the owner.
4. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
5. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
6. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
7. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
8. **Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
9. **Signs** – Two freestanding signs have been approved for this site, one each located at the drive from County Route 64 and the drive from Fisherville Road. All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
10. **Lighting** – All exterior lighting shall be designed and installed to prevent excessive glare to pedestrians and vehicular and air traffic.
11. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.
12. **Easements** – Prior to issuance of an occupancy certificate, the owner of the subject parcel shall provide documentation of the cross-access easements to the adjacent parcels, being #58.03-1-59 and #58.03-1-60, to permit full movement across said subject parcel.

AND FURTHER RESOLVED based on prior agreement by the applicant as stated in prior public meetings and on the public record, the left turn lane from County Route 64 into the site will be removed if and when a traffic signal is installed at the intersection of County Route 64 and Fisherville Road;

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: Esty

ABSTAIN: None

ABSENT: None

**RESOLUTION P96-2005**  
**GEIGER ESTATES SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #47.04-2-55.1**

Resolution by: Piersimoni

Seconded by: Ormiston

WHEREAS this Board has received an application from Michael F. Geiger, owner of tax parcel #47.04-2-55.1, for subdivision approval of this 28.001 acre parcel as shown on a survey map by Weiler Associates, Job Number 11198.04, dated November 2, 2005;

AND WHEREAS the parcel is located on a private drive, namely Geiger Way, off Liberty Way in the Rural (RU) district;

AND WHEREAS the applicant proposes to subdivide the parcel to create the following:

- Parcel 1 being 3.0 acres containing a single family dwelling and appurtenances,
- Parcel 2 being 25.001 acres containing vacant land;

AND WHEREAS pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the RU district is three acres;

AND WHEREAS Parcel 2 will provide a right-of-way to Parcel 1 for access to Liberty Way;

AND WHEREAS the adjacent properties owners will be notified pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this application as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department,
- Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form SEQRA completed by the applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board requests the Chemung County Health Department to review and comment in writing regarding the private on-site wastewater treatment and private water supply prior to final action by this Board;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed subdivision and this Board sets a Public Hearing for January 10, 2006.

AND FURTHER RESOLVED that prior to final action by this Board the applicant shall submit a copy of both proposed deeds identifying the right-of-way dedicated to parcel 1.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**RESOLUTION P97-2005  
RECOMMENDATION FOR APPOINTMENT OF  
2006 CHAIRMAN OF THE PLANNING BOARD**

Resolution by: Younge

Seconded by: Stewart

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment by the *Town Board* to be Chairman of the Planning Board each New Year;

AND WHEREAS Mark Fleisher has consented to be reappointed Chairman of the Planning Board;

THEREFORE BE IT RESOLVED that the Planning Board recommends that the *Town Board* reappoint Mark Fleisher to be Chairman of the Planning Board for 2006.

CARRIED: AYES: Younge, Stewart, Esty, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: Fleisher

ABSENT: None

**RESOLUTION P98-2005**

**RECOMMENDATION FOR SCOTT ESTY**

**REAPPOINTMENT AS PLANNING BOARD MEMBER**

Resolution by: Piersimoni

Seconded by: Fleisher

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment to be a member of the Planning Board each new year;

AND WHEREAS Scott Esty has been serving as member of the Planning Board and has consented to serve another seven-year term;

THEREFORE BE IT RESOLVED that the Planning Board recommends to the *Town Board* that the *Town Board* reappoint Scott Esty to be a member of the Planning Board for a seven-year term to expire December 31, 2012.

CARRIED: AYES: Younge, Stewart, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: Esty

ABSENT: None

**PLANNING BOARD MEETING SCHEDULE FOR THE YEAR 2006 DISCUSSION**

Fleisher explained that the schedule might be changed if the new Planning Board Director commences her position. There has been a discussion by the Town Board to renovate the present Conference Room now being used for Planning Board meetings; therefore, the Planning Board would have to share the Court Room, which would mean changing to a different evening.

The present Planning Board scheduled meeting would remain on Tuesday, every three weeks, at 6:30 p.m. in Conference Room A until further notice. However, the Executive Committee agreed to change their meeting to the Wednesday before each Planning Board meeting at 1:00 p.m. and the Application Committee at their next meeting may want to discuss a change in their schedule.

**MORATORIUM DISCUSSION**

Fleisher conveyed the following points discussed between him and the Attorney for the Town pertaining to the moratorium:

- It would deal with anything that would require a zoning amendment, a site plan, any type of variance, or special use permit for commercial, Industrial, business use Town wide.
- The Moratorium Public Hearing has been scheduled for January 25, 2006.
- By law the moratorium would go into affect when it is filed with the secretary of state (180 days)
- It would still allow the Planning Board to consider applications but final approval would not be completed.
- The Town Board has asked for comments from the Planning Board:
  - Younge asked why the moratorium includes the whole Town.



- Masler asked the intent of the moratorium.
- Coons commented that the Planning Board would be busy reviewing such issues of concerns as traffic, drainage, sign code, and amendments to the codes.
- Ormiston would like to see enforcement and follow-up reviews on approved applications done in accordance with conditions and codes.
- A discussion regarding the need for design standards regarding the buffer/barrier
- Stewart asked how the moratorium affects the Town Study that has been in process for more than a year with changes in zoning. Coons replied that the Town has received technical recommendations from the Laberge Group on those changes; the Town will apply those changes to the Zoning Code.

**MEMBERS COMMENTS:**

- Fleisher commented that there is a joint meeting planned by the Town Board for Wednesday, January 4, 2005 at 5:30 p.m. This meeting includes the Town Board, Planning Board and the Zoning Board of Appeals.
- Fleisher commented that the Department of Transportation (DOT) letter, dated November 30, 2005 arrived at least five months after the Planning Board originally notified DOT as an interested agency for Target. Coons added that DOT had also attended two traffic meetings at the Town Hall and reviewed the concept plan.
- Stewart commented that the Soul Full Cup's future plans should be presented at the initial review meeting and that the area may not be able to accommodate that many drives. Coons commented that there is a question as to the definition of the type of restaurant.
- Esty commented that he suggest that the Planning Board meet with the Horseheads Planning Boards in regard to the A&P Project.

Meeting adjourned at 8:45 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

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